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Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; Indiana

On September 28, 1959, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under 6 CFR 331.17, are hereby superseded by the average values set forth below for said counties.

INDIANA

County	Average value	County	Average value
Adams	$50,000	Hendricks	$50,000
Allen	50,000	Henry	50,000
Bartholomew	50,000	Howard	50,000
Benton	50,000	Huntington	50,000
Blackford	50,000	Jackson	50,000
Boone	50,000	Jasper	50,000
Brown	40,000	Jay	50,000
Carroll	50,000	Jefferson	40,000
Cass	50,000	Jennings	40,000
Clark	40,000	Johnson	50,000
Clay	50,000	Knox	50,000
Clinton	50,000	Kosciusko	50,000
Crawford	40,000	Lagrange	50,000
Daviess	50,000	Lake	50,000
Dearborn	40,000	La Porte	50,000
Decatur	50,000	Lawrence	50,000
De Kalb	50,000	Madison	50,000
Delaware	50,000	Marion	50,000
Dubois	45,000	Marshall	50,000
Elkhart	50,000	Martin	40,000
Fayette	50,000	Miami	50,000
Floyd	40,000	Monroe	40,000
Fountain	50,000	Montgomery	50,000
Franklin	45,000	Morgan	45,000
Fulton	50,000	Newton	50,000
Gibson	50,000	Noble	50,000
Grant	50,000	Ohio	40,000
Greene	50,000	Orange	45,000
Hamilton	50,000	Owen	45,000
Hancock	50,000	Parke	50,000
Harrison	40,000	Perry	40,000
		Pike	45,000

INDIANA—Continued

County	Average value	County	Average value
Porter	$50,000	Tippecanoe	$50,000
Posey	50,000	Tipton	50,000
Pulaski	50,000	Union	50,000
Putnam	50,000	Vanderburgh	50,000
Randolph	50,000	Vermillion	50,000
Ripley	40,000	Vigo	45,000
Rush	50,000	Wabash	50,000
St. Joseph	50,000	Warren	50,000
Scott	40,000	Warrick	45,000
Shelby	50,000	Washington	40,000
Spencer	45,000	Wayne	50,000
Starke	50,000	Wells	50,000
Steuben	50,000	White	50,000
Sullivan	50,000	Whitley	50,000
Switzerland	40,000		

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015: Order of Acting Sec. of Agr., 19 F.R. 74, 77, 22 F.R. 8188)

Dated: October 13, 1959.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 59-8759; Filed, Oct. 16, 1959; 8:46 a.m.]

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FHA Instruction 465.1]

PART 372—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidations

TRANSFER OF INSURED LOANS

Section 372.13(c)(5) in Title 6, Code of Federal Regulations (24 F.R. 2109), is revised to provide for transfer of insured loans to ineligible applicants upon prior approval of the National Office in individual cases, and to read as follows:

§ 372.13 Transfer of loan accounts.

* * * * *

(c) *Transfer of loan accounts by Form FHA-97, "Assumption Agreement."*

* * *

(5) *Insured loans and ineligible applicants.* Insured loans will not be transferred to ineligible applicants unless prior approval of the National Office is obtained.

(Continued on next page)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

CODIFICATION GUIDE—Con.

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015. Order of Acting Sec. of Agr. 19 F.R. 74, 77, 22 F.R. 8188)

Dated: October 13, 1959.

DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-8790; Filed, Oct. 16, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1960 Crop of Upland Cotton

Basis and purpose. The provisions of §§ 722.311 to 722.333 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), including amendments under Public Law 86-172 (73 Stat. 393, approved August 18, 1959). These provisions govern the establishment of State, county and farm allotments for the 1960 crop of upland cotton and the determination of the acreage planted to upland cotton on individual farms in 1960. The latest available statistics of the Federal Government are used in making the determinations required to be made in connection with §§ 722.311 to 722.333. Notice of proposed formulation of acreage allotment regulations for the 1960 crop of upland cotton was published in the FEDERAL REGISTER on September 12, 1959 (24 F.R. 7382) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and the data and recom-

mendations received in response to such notice have been duly considered.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their functions in an orderly manner and establish farm allotments as early as possible prior to the holding of the cotton referendum, it is essential that §§ 722.311 to 722.333 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.311 to 722.333 shall be effective upon filing this document with the Director, Office of the Federal Register.

GENERAL

AUTHORITY: §§ 722.311 to 722.333 issued under sec. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375. Interpret or apply secs. 301, 361, 362, 365–368, 373, 374, 388, 52 Stat. 38, 62–65, as amended, 68, secs. 342–344, 345–346, 347; 63 Stat. 670, as amended, 674, 675, as amended, sec. 377; 70 Stat. 206, as amended, sec. 378, 72 Stat. 995; 7 U.S.C. 1301, 1342–1344, 1345–1347, 1361, 1362, 1365–1368, 1373, 1374, 1377, 1378, 1388.

GENERAL

§ 722.311 Applicability.

The provisions of §§ 722.311 to 722.333 apply to the 1960 crop of upland cotton.

§ 722.312 Definitions.

As used in §§ 722.311 to 722.333 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number.

(a) *General terms.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(2) The terms "Secretary", "Deputy Administrator", "State committee", "county committee", "community committee", "State administrative officer", "county office manager", "operator", and "person" as defined in Part 718 of this chapter (24 F.R. 4223), as amended, shall apply to the regulations in §§ 722.311 to 722.333.

(3) "Director" means the Director, or Acting Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(4) Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(5) "Upland cotton" (referred to in §§ 722.312 to 722.333 as "cotton") means any cotton other than extra long staple cotton.

(6) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates, as provided under section 347(a) of the act.

(7) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of cotton which conditions must have been of sufficient duration and intensity to prevent the seeding of land to cotton and must have continued until the end of the planting season for the area.

(8) "State and county code" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(9) The terms "cropland", "county", "farm", and "farm serial number" as defined in Part 719 of this chapter (23 F.R. 6731), as amended, shall apply to the regulations in §§ 722.311 to 722.333.

(b) *Terms relating to farms.* (1) "Owner" or "landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(2) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(3) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(4) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(5) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant or sharecropper on a farm, is entitled to all or a share of the 1960 crop of cotton produced thereon or of the proceeds thereof.

(6) "Farm allotment" means the Choice (A) or Choice (B) cotton acreage allotment established for a farm, whichever is applicable, under §§ 722.311 to 722.333. Choice (B) farm allotments exceed Choice (A) farm allotments by 40 percent. Farm allotments are initially established on the basis of the data for farms as constituted at the time such allotments are established. Where a farm is subsequently reconstituted for 1960, the farm allotment will be redetermined in accordance with the regulations pertaining to reconstitution of farms in Part 719 of this chapter (23 F.R. 6731), as amended.

(7) "Old cotton farm" means a farm having an acreage planted to cotton in any one or more of the years 1957, 1958, and 1959 and a cotton allotment other than zero was established for the farm for the year cotton was planted. Released allotments shall not be considered as acreage planted to cotton for purposes of determining eligibility of the farm for allotment as an old cotton farm.

(8) "New cotton farm" means a farm on which cotton is to be planted in 1960 but such farm is not eligible for an allotment as an old cotton farm.

(9) "Small farm" means a farm for which an allotment, exclusive of allocations to the farm from State and county reserves and exclusive of additional acreage authorized if the farm operator elects Choice (B) allotment for the farm for 1960, is 15 acres or less.

(10) "Normal yield" means the average yield per harvested acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. In the case of new cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton.

(11) "Normal production" of any number of acres means the normal yield per acre of lint cotton for the farm multiplied by such number of acres.

(12) "Actual production" of cotton on the farm means the total number of pounds of lint cotton determined to have been produced on the farm in 1960.

(13) "Acreage planted to cotton in the State and county" (excluding acreage devoted to production of extra long staple cotton) for use in establishing State and county allotments means:

(i) *For 1954 and 1955.* The measured acreages of cotton as determined for purposes of the 1954 and 1955 cotton marketing quota programs (as adjusted under section 344 (g) (3), (i), and (m) (2) of the act).

(ii) *For 1956.* The measured acreages of cotton as determined for purposes of the 1955 cotton marketing quota program (as adjusted under section 344 (g) (3), (i), and (m) (2) of the act; and including acreage history required under section 377 of the act and sections 106(a) and 112(2) of the Agricultural Act of 1956 (70 Stat. 191, 195; 7 U.S.C. 1824(a), 1836)).

(iii) *For 1957 and 1958.* The sum of the farm allotments excluding any allotment released from the farm or reapportioned to the farm plus acreage history for released allotments which are reapportioned and planted to cotton: *Provided, however,* That the acreage planted to cotton for each year in a State shall not exceed the State's share of the 1957 and 1958 national allotments, respectively.

(14) "Acreage planted to cotton on the farm" (excluding acreage devoted to production of extra long staple cotton) for use in establishing farm allotments, means:

(i) *For 1957 and 1958.* The farm allotment for 1957 and 1958, including any allotment released from the farm and excluding any allotment reapportioned to the farm.

(ii) *For 1959.* The Choice (A) farm allotment for 1959, including any allotment released from the farm and excluding any allotment reapportioned to the farm and excluding any allotment not entitled to acreage history under section 344(f) (7) of the act.

(15) "Acreage planted to cotton on the farm in 1960" for purposes of determining compliance with the farm allotment, shall be the acreage seeded to cotton on the farm in 1960 and the acreage devoted to the production of cotton on the farm for 1960 but seeded prior to 1960, excluding any acreage in excess of the farm allotment which (i) is destroyed by causes beyond the producer's control prior to the expiration of the period established under § 722.328 for disposing of excess cotton acreage or (ii) is disposed of in accordance with § 722.328.

(c) *Terms relating to national reserve.* (1) "National reserve" means the national reserve provided in section 344(b) of the act for apportionment to States on the basis of needs for additional allotments to establish minimum farm allotments. The allotment to Nevada from such national reserve is 1,000 acres.

(2) "State's share of the national reserve" means the part of the national reserve allocated to the State on the basis of State needs for additional allotments to establish minimum farm allotments except for Nevada for which 1,000 acres shall be allocated from the national reserve as provided by the act.

(3) "State reserve for minimum farm allotments" means that part of the State reserve allocated to counties to assist in establishing minimum farm allotments.

(4) "County allocation for minimum farm allotments" means the allocations to the county from the State's share of the national reserve and from the State reserve for minimum farm allotments which become a part of the county allotment for apportionment to farms.

§ 722.313 Issuance of forms and instructions.

Forms and instructions with respect to internal management necessary for carrying out §§ 722.311 to 722.333 shall be prepared under the direction of the Director and shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§ 722.314 Extent of calculations and rule of fractions.

Farm allotments shall be rounded to tenths of acres. Computations shall be carried to two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example:

6.732=6.7	6.751=6.8
6.750=6.7	6.782=6.8

STATE AND COUNTY ALLOTMENTS

§ 722.315 Apportionment of national allotment and national reserve among States.

(a) *National allotment.* The national allotment proclaimed for the 1960 crop of cotton, less the acreage required pursuant to section 344(k) of the act to provide any State an allotment not less than the smaller of 4,000 acres or the highest acreage planted to cotton in any of the years 1957, 1958, and 1959, shall be apportioned among the other States on the basis of the average acreage planted to cotton in each such State for the years 1954, 1955, 1956, 1957, and 1958 with adjustments in such acreage for failure to seed cotton because of abnormal weather conditions. Such adjustments for abnormal weather conditions shall be made in the acreages planted to cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to cotton in a State shall be the amount established by reference to available information and data as the net reduction of planted acreage in the State attributed solely to abnormal weather conditions.

(b) *National reserve.* The national reserve shall be apportioned among States as provided by section 344(b) of the act, on the basis of the needs of each State for additional acreage for establishing minimum farm allotments under section 344(f) (1) of the act (except that the amount apportioned to Nevada shall be 1,000 acres). The needs of a State for this purpose shall be the estimated allotment needs in the State to increase factored farm allotments to minimum farm allotments under section 344(f) (1) of the act. For this purpose the factored farm allotments shall be determined by apportioning the State allotment (with no State reserve deducted) to counties on the basis of the acreages planted to cotton in 1954 to 1958, inclusive, with such adjustments for abnormal weather conditions for such years prior to 1958 as were used in establishing county allotments for 1959, and by apportioning the county allotment thus determined among farms on the basis of the 1958 farm allotments without regard to any release of allotment for 1958 only or to reapportionment of farm allotments. Acreage apportioned to a State from the national reserve shall not be taken into account in establishing future State allotments.

(c) *Total allotment in acres available for distribution in each State.* There are set forth below the State allotment, which is the State's share of the national allotment, the State's share of the national reserve, and the total allotment available for distribution in each State.

State	State allotment (1)	State's share of national reserve (2)	Total allotment available for distribution in State (3)
Alabama	944,958	44,088	989,046
Arizona	319,554	865	320,419
Arkansas	1,337,484	7,794	1,345,278
California	725,038	3,164	728,202
Florida	32,531	4,987	37,518
Georgia	825,364	34,563	859,927
Illinois	3,110	32	3,142
Kansas	23	3	26
Kentucky	7,248	386	7,634
Louisiana	560,741	14,239	574,980
Maryland	15		15
Mississippi	1,543,242	33,012	1,576,254
Missouri	354,740	2,755	357,495
Nevada	2,343	1,000	3,343
New Mexico	168,124	889	169,013
North Carolina	439,152	35,563	474,715
Oklahoma	759,145	16,081	775,226
South Carolina	673,631	27,978	701,609
Tennessee	526,556	24,189	550,745
Texas	6,761,512	55,965	6,817,477
Virginia	15,489	2,447	17,936
United States	16,000,000	310,000	16,310,000

§ 722.316 Apportionment of State allotment among counties.

(a) *State reserve*—(1) *State reserve for minimum farm allotments.* The State committee shall determine what portion of the State allotment, if any, is to be reserved for establishing minimum farm allotments in the State: *Provided, however,* That the State reserve for this purpose shall be the smaller of (i) 3 percent of the State allotment, or (ii) the estimated allotment needed in the State as determined in § 722.315(b) to increase factored farm allotments to minimum farm allotments minus the allocation to the State from the national reserve as set forth in § 722.315(c). Acreage apportioned to a county from the State reserve for minimum farm allotments under this subparagraph shall not be taken into account in establishing future county allotments.

(2) *State reserve for all other categories.* The State committee shall determine what portion of the State allotment remaining after the State reserve for minimum farm allotments is established is to be reserved for each of the following categories:

(i) Adjusting computed county allotments for trends in acreage.

(ii) Adjusting computed county allotments for abnormal conditions affecting plantings.

(iii) Establishing allotments for new cotton farms.

(iv) Adjusting farm allotments to correct inequities and to prevent hardships, and

(v) Adjusting allotments determined for small farms.

The State committee may, in its discretion, determine that no acreage shall be established for any one or more of the categories of the State reserve set forth in this subparagraph.

(3) *Limitation of size of State reserve.* The total State reserve established for the several categories under subparagraphs (1) and (2) of this paragraph shall not exceed 10 percent of the State allotment (15 percent in the case of Oklahoma). Section 344(f)(7)(A) of the act provides that farm allotments, if less than minimum farm allotments, shall be increased to the minimum farm allotment from acreage in addition to the county, State and national allotment. In order to limit allocation of such additional acreage to reasonable amounts, it is hereby determined that the amount of reserve acreage in the State reserve and the county reserve shall be established by taking into consideration the acreage in the county allotment required to establish minimum farm allotments, insofar as available, and the acreage in the county allotment and reserve acreage available in the county to establish fair and reasonable allotments for farms other than minimum farms. The State committee shall determine whether State reserves for hardships and inequities under subparagraph (2)(iv) of this paragraph and for small farms under subparagraph (2)(v) of this paragraph are to be established and the State administrative officer shall approve a county reserve so that the additional acreage under section 344(f)(7)(A) shall not exceed 15 percent of the State's share of the national reserve: *Provided, however,* That such additional acreage may exceed such limitation if the Deputy Administrator approves the request therefor by the State committee of a State having 15 percent or less of the old cotton farms with 1958 farm allotments of more than 10.0 acres on the basis that waiver of such limitation is required to prevent undue hardship for such old cotton farms.

(b) *Computed county allotments.* The State allotment for the 1960 crop of cotton, less the State reserve established pursuant to paragraph (a) of this section, shall be apportioned among counties on the basis of the average acreage planted to cotton in each county in 1954, 1955, 1956, 1957, and 1958 (herein referred to as the "base years"), with adjustments in such acreage for failure to seed cotton because of abnormal weather conditions. Such adjustments for abnormal weather conditions shall be made in the acreages planted to cotton in the county on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to cotton in a county shall be the amount established by reference to available information and data as the net reduction of planted acreage in the county attributed solely to abnormal weather conditions. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county allotment".

(c) *Use of State reserve.* The State reserve, if any, established for each designated purpose under paragraph (a) of this section shall be used by the State committee for such purpose as provided in subparagraphs (1) to (6) of this paragraph.

(1) *To adjust computed county allotments for trends in the acreage of cotton.* Any acreage allocated pursuant to paragraph (a)(2)(i) of this section shall be used by the State committee to adjust the computed county allotments for trends in the acreage planted to cotton in the counties during recent years (the period of years may include the year 1959 but shall not include any year prior to 1954). The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county allotments for counties adversely affected by abnormal conditions affecting plantings of cotton.* (i) Any acreage allocated pursuant to paragraph (a)(2)(ii) of this section shall be used by the State committee to adjust the computed county allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to cotton in the county in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions.

(ii) In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration the following factors: (*a*) Abnormal weather conditions such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal; (*b*) conditions in counties in which a number of farms are being returned to cotton production or are increasing the acreage in cotton after having been out of production or having been on a reduced level of cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other defense activities; (*c*) abnormal reduction in planted cotton acreages because of an unusual movement of labor from farms in the county to defense industries or into the armed forces and the return of such labor as compared with such movements in other counties; and (*d*) any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment under (*a*) of this subdivision for abnormal weather conditions, the State committee shall take into consideration any adjustment made for abnormal-weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in allotments determined for small farms.* Any acreage allocated pursuant to paragraph (a)(2)(v) of this section shall be allocated by the State committee to counties to supplement that part of the county reserve established as provided in subparagraphs (1) and (2) of § 722.317(d) for adjusting indicated farm allotments for old cotton farms established at 15 acres or less under § 722.317(c). Such reserve acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1960 allotments for new cotton farms.* Any acreage allocated pursuant to paragraph (a)(2)(iii) of this section shall be allocated by the State committee to counties to establish allotments for new cotton farms. Where the State committee determines that the needs for acreage to establish allotments for new cotton farms are generally uniform in counties throughout the State, the State committee shall determine whether all the acreage required to establish allotments for new cotton farms shall be provided from the State reserve or the county reserve, or from both such reserves. In determining the source of acreage, if any, for new cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.317(d)(3). Where it is determined by the State committee that the entire county reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.317(d), the State committee may consider allocating acreage from the State reserve as provided in paragraph (a)(2) of this section to supplement the acreage, if any, set aside by the county committee from the county reserve for establishing allotments for new cotton farms. In determining the estimated acreage to be set aside for establishing allotments for new cotton farms, on the basis of the factors set forth in § 722.317(d)(3), the State committee shall take into consideration the experience of State and county committees in establishing allotments for new cotton farms under previous acreage allotment programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* Any acreage allocated pursuant to paragraph (a)(2)(iv) of this section shall be allocated by the State committee to counties to correct inequities in farm allotments and to prevent hardships. Such reserve may also be used for establishing and adjusting farm allotments as provided in § 722.317(i).

(6) *To establish minimum farm allotments.* The State reserve established for minimum farm allotments pursuant to paragraph (a)(1) of this section shall be apportioned among counties on the basis

of their respective needs for additional allotment to establish minimum farm allotments, as determined in accordance with § 722.315(b). The allotment so apportioned to each county shall become a part of the county allotment.

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested cotton producer: (1) The amount of the State reserve; (2) the formula, if any, and data developed and used under paragraph (c) (1) and (2) of this section; and (3) the total acreage set aside from the State reserve for the purposes set forth in paragraph (c) (3), (4), (5) and (6) of this section.

(e) *County allotment.* The county allotment shall be the sum of (1) the computed county allotment determined under paragraph (b) of this section, (2) the acreages from the State Reserve which are added to the computed county allotment under paragraph (c) (1) and (2) of this section, (3) the allocation, if any, to the county from the national reserve, and (4) the allocation, if any, to the county from the State reserve for minimum farm allotments.

(f) *Apportionment of excess released acreage to counties.* The acreage surrendered to the State committee pursuant to § 722.318 shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

(g) *Apportionment of State's share of national reserve among counties.* Each State's share of the national reserve shall be apportioned among counties on the basis of their respective needs for additional allotment to establish minimum farm allotments, as determined in accordance with § 722.315(b), except that the additional allotment of 1,000 acres for Nevada from such reserve shall be apportioned among counties on the same basis that the State allotment, less the State reserve, is apportioned among counties pursuant to § 722.316(b). The allotment apportioned to each county pursuant to this paragraph shall become a part of the county allotment. Acreage apportioned to a county from the State's share of the national reserve shall not be taken into account in establishing future county allotments.

(h) *County allotments; allocations to counties from State's share of national reserve and from State reserve; remainder of the State reserve; and county reserve*—(1) *County allotment showing components thereof; allocations to counties from State reserve for small farms and to correct inequities and prevent hardships; and remainder of the State reserve.* This subparagraph will be amended at a later date to establish county allotments showing components thereof (computed county allotment, allocation from State's share of national reserve, adjustments from State reserve for trends, abnormal conditions, and minimum farm allotments); allocations to counties from State reserve for small farms and to correct inequities and prevent hardship; and the remainder of the State reserve which is available for allocation to counties for new farms, late and reconstituted farms and correction of errors.

(2) *County reserve.* This subparagraph will be amended at a later date to establish county reserves and to authorize the exceeding of the 15 percent limitation for States, if any, under paragraph (a) (3) of this section and § 722.317(b).

ESTABLISHMENT OF FARM ALLOTMENTS

§ 722.317 Apportionment of county allotment among farms.

(a) *Determination of method to be used in apportioning county allotment among farms.* Public Law 86–172 (73 Stat. 393, approved August 18, 1959) amended section 344(f) (8) of the act to provide that if allotments were in effect in 1959, the method for apportioning county allotment among farms under section 344(f) (8) of the act shall be used for 1960. Since allotments were in effect in 1959, the method under section 344(f) (8) of the act shall be used in all counties and not the cropland method under section 344(f) (2) of the act or the historical method under section 344(f) (6) of the act.

(b) *Determination of county reserve.* The county committee shall establish a county reserve which may be used to adjust indicated farm allotments for old cotton farms determined under paragraph (c) of this section and to establish allotments for new cotton farms under paragraph (d) (3) of this section. The county reserve in counties where the sum of the minimum farm allotments for all old cotton farms under section 344(f) (1) of the act and the maximum county reserve under section 344(f) (3) of the act exceeds the county allotment shall be limited in accordance with the criteria in § 722.316(a) (3): *Provided, however,* That a county reserve for all other counties shall not exceed 5 percent of the sum of (1) the computed county allotment, and (2) the allotment allocated to the county pursuant to § 722.316 (c) (1) and (2): *Provided, further,* That in no event shall the county reserve for any county exceed 15 percent of the sum of (1) the computed county allotment and (2) the allotment allocated to the county pursuant to § 722.316(c) (1) and (2).

(c) *Indicated allotments for old cotton farms in all counties.* The county allotment, less the acreage reserved pursuant to paragraph (b) of this section (referred to as county reserve in this paragraph), shall be apportioned among old cotton farms in accordance with applicable subparagraph (1) or (2) of this paragraph. For purposes of this paragraph, 1958 farm allotment means the allotment established for the farm without regard to release of allotment for 1958 only and to reapportionment under section 344(m) (2) of the act.

(1) *Indicated allotments for old cotton farms in counties where the county allotment less reserve is equal to or less than minimum farm requirements.* If the county allotment less the county reserve is equal to or smaller than the total acreage required to establish an allotment of the smaller of 10.0 acres or the 1958 allotment for each old cotton farm in the county for which a 1958 allotment was established, the indicated allotment for each old cotton farm in the county for which a 1958 allotment was established shall be the smaller of 10.0 acres or the 1958 allotment. The allotment, if any, required in excess of the county allotment, less the county reserve, shall be in addition to the county, State, and national acreage allotments and shall not be taken into account in establishing future State, county, or farm allotments.

(2) *Indicated allotments for old cotton farms in counties where the county allotment less reserve is larger than minimum farm requirements.* If the county allotment less the county reserve is larger than the total acreage required to establish an allotment of the smaller of 10.0 acres or the 1958 allotment for each old cotton farm in the county for which a 1958 allotment was established, indicated farm allotments for old cotton farms shall be established as follows:

(i) An allotment base shall be established for each old cotton farm for which the 1958 allotment is larger than 10.0 acres; each old cotton farm which was a new cotton farm for 1959; and for each other old cotton farm for which the 1959 Choice (A) allotment less any allotment reapportioned to the farm is larger than the 1958 allotment: *Provided, however,* That equity and justice require the allotment of additional acreage to all old cotton farms if the county allotment less the county reserve is larger than the sum of the 1958 allotments for all old cotton farms in the county for which 1958 allotments were established plus the 1959 allotments for all old cotton farms for which 1958 allotments were not established and therefore, in such counties an allotment base shall be established for each old cotton farm in the county. For purposes of this subparagraph, the allotment base means the 1959 Choice (A) allotment established for the farm without regard to release of allotment for 1959 only and to reapportionment under section 344(m) (2) of the act and without regard to any increase in the 1959 Choice (A) allotment for the farm under section 344(f) (1) of the act. It is hereby determined that for 1960 it will not be necessary under section 344(f) (8) of the act to adjust 1959 farm allotments for any change in the acreage of cropland available for the production of cotton.

(ii) A county allotment factor shall be determined by dividing the available county allotment by the sum of the farm allotment bases established for old cotton farms in the county. The available county allotment means the county allotment less (*a*) the county reserve and (*b*) the sum of the 1958 allotments for old cotton farms for which allotment bases are not established under subparagraph (2) (i). If required, additional county allotment factors shall be determined in the same manner until the county allotment less the county reserve is apportioned to old cotton farms, except that each old cotton farm having a 1958 cotton allotment for which the factored allotment determined by applying the preceding county factor was less than

10.0 acres or less than the 1958 allotment if smaller than 10.0 acres shall be excluded in computing each additional factor.

(iii) A factored allotment shall be computed for each old cotton farm for which an allotment base is established, by multiplying the allotment base by the county allotment factor.

(iv) The indicated allotment for each old cotton farm shall be the larger of (*a*) the factored allotment or (*b*) 10.0 acres or the 1958 allotment, whichever is smaller, except that, if a 1958 allotment was not established for the farm, the indicated allotment shall be the factored allotment.

(d) *Use of county reserve.* The county reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm allotments of 15 acres or less.* Not less than 20 percent of the county reserve shall, to the extent required, be used by the county committee to adjust indicated farm allotments determined under paragraph (c) of this section to be 15 acres or less, excluding minimum indicated farm allotments established under section 344(f)(1)(B) of the act. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to cotton in 1957, 1958, and 1959; the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production.

(2) *Adjustments in indicated allotments for other farms.* The remainder of the acreage in the county reserve, after meeting or determining the requirements under subparagraphs (1), (3), and (4) of this paragraph, shall be used by the county committee to adjust indicated farm allotments which are more than 15 acres and minimum indicated farm allotments established under section 344(f)(1)(B) of the act. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm, the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to cotton on the farm in 1957, 1958, or 1959 as reflecting such factors and use such acreages as the basis for adjusting the indicated farm allotment under this subparagraph.

(3) *Allotments for new cotton farms—*(i) *Determination of acreage needed for establishing allotments for new cotton farms.* If any part of the State reserve or the county reserve is to be used for establishing allotments for new cotton farms, the county committee, with the assistance of the community committee, may estimate from county office records and other available sources of information the number of new cotton farms in the county and an estimate may be made of the cropland on new cotton farms. Such estimates may be used by the State and county committees as a basis for determining the acreage, if any, that will be allocated for establishing allotments for new cotton farms. In determining the acreage, if any, from the county reserve which is to be used for establishing allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve pursuant to § 722.316(c)(4) for establishing allotments for new cotton farms. The total acreage reserved for establishing allotments for new cotton farms in the county, including any acreage allocated to the county for new cotton farms from the State reserve, shall not exceed 75 percent of the total of the farm allotments which the county committee estimates will be determined for the same number of old cotton farms in the county which are similar except for the acreage planted to cotton during the years 1957, 1958, and 1959.

(ii) *Eligibility of a new cotton farm for a cotton allotment.* A cotton allotment for a new cotton farm may be established by the county committee if each of the following conditions is met;

(*a*) An application for a cotton allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than February 15, 1960.

(*b*) The farm operator is largely dependent on income from the farm for his livelihood. Where the farm operator is a partnership, each partner must be largely dependent on income from the farm for his livelihood; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must be largely dependent on income, whether dividends or salary, from the corporation for their livelihood.

(*c*) The farm is the only farm in the United States which is owned or operated by the farm operator or farm owner for which a cotton allotment is established for 1960.

(iii) *Establishment of allotments for new cotton farms.* If the applicant's farm is eligible for a cotton allotment, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton. The allotment so determined for any such farm shall not exceed the smaller of (*a*) the indicated allotments established pursuant to paragraph (c) of this section for old cotton farms in the county which are similar except for the acreages planted to cotton during the years 1957, 1958, and 1959, or (*b*) the allotment requested by the applicant. The sum of the allotments determined by the county committee for new cotton farms shall not exceed the reserves available for such farms in the county under this subparagraph. The allotments for new cotton farms shall be subject to review and approval by a representative of the State committee, as provided in § 722.331. If the acreage planted to cotton on the new cotton farm is less than the cotton allotment established for the farm pursuant to this subparagraph, such allotment shall be automatically reduced to the acreage planted to cotton on the farm.

(4) *Adjustments in farm allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State reserve to correct inequities in farm allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm allotments as provided in paragraph (i) of this section and to provide fair and reasonable allotments where the county committee had insufficient information to make proper adjustments at the time the original allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve which is made pursuant to § 722.316(c)(5) may be used by the county committee for making adjustments in farm allotments to correct inequities and to prevent hardship, taking into consideration for the farm the acreages planted to cotton in 1957, 1958, and 1959; the land, labor, and equipment available for production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production and any other factors for correcting inequities and preventing hardship.

(e) *Use of acreage allocated to county from State reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State reserve for small farms shall be used by the county committee to adjust indicated farm allotments of 15 acres and less for old cotton farms on the basis of the factors set forth in paragraph (d)(1) and (2) of this section for adjusting small farm allotments.

(f) *Allocation of reserve acreage by use of mathematical formula or rule.* Any mathematical formula or rule adopted by the county committee for use in calculating the amount of acreage to be allocated to an individual farm from the reserves provided for in paragraphs (d)(1), (2), and (4) and (e) of this section shall be subject to approval of a representative of the State committee on the basis of standards approved by the State committee.

(g) *Reconstitution of farms.* The reconstitution of farms under §§ 722.311 to 722.333 shall be governed by the regulations pertaining to reconstitution of farms in Part 719 of this chapter (23 F.R. 6731) as amended.

(h) *Determination of Choice (A) and Choice (B) farm allotments.* Farm allotments determined under pargraphs

(c) to (i) of this section shall be deemed Choice (A) farm allotments. It is hereby determined pursuant to section 102 (a) of the Agricultural Act of 1949, as amended, that the Choice (B) farm allotment for 1960 shall exceed the Choice (A) farm allotment by 40 percent.

(1) *Election of Choice (A) or Choice (B) farm allotment by farm operator.* Under section 102(a) of the Agricultural Act of 1949, as amended, the Secretary is required to determine and announce not later than January 31, 1960, on the basis of an estimate of the supply percentage and of the parity price as of August 1, 1960, the price support levels for producers who elect Choice (A) and Choice (B) farm allotments. As soon as practicable thereafter, the farm operator will be notified pursuant to § 722.322 of the alternative levels of price support for the Choice (A) and Choice (B) allotments for the farm. Each farm operator may thereafter file in writing with the county committee not later than March 16, 1960, an election of Choice (B) farm allotment and related level of price support: *Provided, however,* That in the case of notices of allotment for new cotton farms mailed after March 1, 1960, the farm operator may file the notice of election in writing with the county committee within 15 days after the date of mailing such allotment notice. The following conditions are applicable to election of Choice (B) allotments under this subparagraph:

(i) Election of the Choice (A) or Choice (B) farm allotment and related level of price support by the farm operator is binding on all other producers on the farm;

(ii) The farm allotment cannot be released in whole or in part if the farm operator has elected the Choice (B) allotment for the farm;

(iii) Any allotment increase because of the election of Choice (B) allotment for the farm will not be taken into account in establishing future State, county, and farm allotments;

(iv) The level of price support which is applicable to production on the farms operated by the farm operator is dependent upon whether the farm operator elects Choice (A) or Choice (B) allotment;

(v) If the farm operator elects the Choice (B) allotment he must elect Choice (B) allotments for all cotton farms which he operates, and such election for any such farm shall be deemed an election of Choice (B) allotment for all cotton farms which he operates;

(vi) The Choice (B) allotment for the farm may not be elected if producers disapprove marketing quotas for the 1960 crop in the upland cotton referendum;

(vii) Any farm operator who fails to elect the Choice (B) allotment within the time and manner prescribed by this paragraph shall be deemed to have elected the Choice (A) allotment and applicable level of price support; and

(viii) Notice in writing of election of Choice (B) farm allotment shall be deemed timely filed with the county committee if postmarked or actually filed in the county office, not later than March 16, 1960. If the county committee has no record of receipt of such notice, upon prompt request by the farm operator, if the county committee finds that such notice was actually filed in the county office not later than March 16, 1960, or placed in the United States mail in a properly addressed envelope with postage prepaid in sufficient time that it could be postmarked not later than March 16, 1960, then the county committee may determine that the notice was timely filed. If the county committee so determines and the State administrative officer concurs, such notice shall be deemed timely filed.

(2) *Change of election of Choice (B) farm allotment to Choice (A) farm allotment where conditions beyond control of the farm operator prevent planting or having cotton available for harvest.* The operator of a farm for which Choice (B) farm allotment is elected under subparagraph (1) of this paragraph may file an application in writing with the county committee to change such election of Choice (B) farm allotment to Choice (A) farm allotment where conditions beyond the control of the farm operator, due to excessive rain, flood, hail, drought, or lack of water on irrigated farms resulting from the effect of drought on the water supply, prevent the planting of cotton or having cotton available for harvest on any acreage in excess of the Choice (A) farm allotment. Such application shall be filed not later than the earlier of (i) the date that harvest of the 1960 crop of cotton begins on the farm, or (ii) the date that harvest of the 1960 crop of cotton becomes general in the county. The county committee shall consider any timely filed application for change of Choice (B) farm allotment to Choice (A) farm allotment and notify the farm operator in writing of its determination within a reasonable time. In order for the county committee to approve such application for a farm, the farm operator must have been prevented by conditions beyond his control from timely planting or replanting of cotton, or from having any cotton available for harvest, on any acreage in excess of the Choice (A) farm allotment. Such conditions are limited to excessive rain, flood, hail, drought, or lack of water on irrigated farms resulting from the effect of drought on the water supply.

(3) *Applicable farm allotment where operator of a farm becomes operator of a different farm after March 16, 1960.* In any case where a person is a cotton farm operator for 1960 on March 16, 1960, and has elected Choice (B) allotment, such election shall apply to any farm for which such person becomes the operator after March 16, 1960. In any case where a person is a cotton farm operator for 1960 on March 16, 1960, and has elected Choice (A) allotment, and becomes the operator of a different farm after March 16, 1960, for which Choice (B) allotment is in effect on March 16, 1960, such person may elect Choice (A) or Choice (B) allotment for all farms which he operates by filing written notice thereof with the county committee within 15 days after becoming the operator of such different farm. In the event of failure of the farm operator to file such written notice within the 15 day period, he shall be deemed to have elected the Choice (B) allotment for all farms which he operates.

(4) *Applicable farm allotment where new operator after March 16, 1960.* In any case where a person who is not a cotton farm operator for 1960 on March 16, 1960, becomes a cotton farm operator thereafter, such operator shall be deemed to have elected the Choice (A) or Choice (B) allotment which was applicable to the farm on March 16, 1960: *Provided, however,* That in the event such person becomes operator of both Choice (A) and Choice (B) farms he shall be deemed to have elected the Choice (B) allotment for all farms which he operates.

(i) *Allotments for late and reconstituted farms and correction of errors.* The reserves provided for in paragraph (d)(4) of this section and in § 722.316(c)(5) shall be used by the county committee for the purposes specified therein and also (1) for establishing allotments for old cotton farms for which allotments were not established at the time allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee, (2) for correcting errors in farm allotments, and (3) for use in establishing allotments for farms which are divided or combined for 1960 under paragraph (g) of this section. Notwithstanding the limitation on use of acreage authorized under section 344(f)(7)(A) of the act as set forth in § 722.316(a)(3) and paragraph (b) of this section, if the reserves authorized to be used under this paragraph have been exhausted, acreage authorized under section 344(f)(7)(A) of the act may be used for establishing minimum farm allotments.

§ 722.318 Release and reapportionment of cotton allotments.

(a) *Conditions under which farm allotments cannot be released.* The following farm allotments shall not be released in whole or in part:

(1) Allotments for new cotton farms.

(2) The allotment for an old cotton farm which is owned by the Federal Government and which was leased by an agency of the Federal Government as lessor on condition that no land on the farm shall be planted to cotton.

(3) The allotment for any farm if the farm operator has elected the Choice (B) allotment for the farm.

(4) The allotment for any farm where such release is opposed by the owner or operator or the holder of a real estate lien on the farm.

(5) The allotment for any farm where the county committee, prior to approval of the particular release and prior to the final date for reapportionment of released allotments established for the county, determines that the farm is being acquired for governmental or other public purpose.

(b) *Allotments which may be released and reapportioned.* Except as provided otherwise in paragraph (a) of this section, any part of any 1960 Choice (A) farm allotment for an old cotton farm

which will not be used in 1960 and which is voluntarily released to the county committee by the farm owner or operator by the applicable closing date shall be deducted from the farm allotment and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis or past acreages of cotton, land, labor, and equipment available for the production of cotton; crop-rotation practices; and soil and other physical facilities affecting the production of cotton: *Provided, however,* That any allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract, or for which an application is pending for a Conservation Reserve Contract, shall not be reapportioned by the county committee to any other farm or released to the State committee for reapportionment to other counties. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date as established for releasing farm allotments shall be no later than the date on which the planting of cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms shall be no later than the latest date on which cotton can normally be planted on farms in the State or area with reasonable expectation of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.316(f). In establishing such closing dates, the State committee shall take into consideration the time required for reallocation to counties and farms of such surrendered acreage. Any farm allotment released for 1960 only, shall, in determining future farm cotton allotment, be regarded as having been planted on the farm from which such allotment was released if cotton was seeded on such farm (or acreage history is provided for the farm under section 377 of the act or section 106 (a) or 112(2) of the Agricultural Act of 1956 or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended) in at least one of the years 1957, 1958, or 1959. Except as provided otherwise in paragraph (a) of this section, all or any part of any farm allotment for an old cotton farm may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm cotton allotments, the planting in 1960 of reapportioned allotments shall not be considered. For the purpose of determining future State and county allotments, released acreage will be credited to the State and to the county in which such acreage was released.

(c) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under § 722.316(f) may be used by the county committee for establishing and adjusting farm allotments for new cotton farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (d) and (e) of § 722.317.

§ 722.319 Adjustment of allotment bases and determination of acreage history.

(a) *Farm base adjustments under section 344(f)(8) of the act.* Section 344 (f)(8) of the act as amended by Public Law 86–172 (73 Stat. 393, approved August 18, 1959) provides for adjustment of the farm base under certain circumstances beginning with allotments established for the 1961 crop of cotton. Since such adjustments are required if 1960 plantings of cotton are reduced below a specified percentage, the following items are set forth so that farm operators in 1960 may be fully advised and take any necessary action:

(1) Beginning with allotments established for the 1961 crop of cotton, if the acreage actually planted (or regarded as planted under the Soil Bank Act, Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended; and the release and reapportionment provisions of section 344(m)(2) of the act) to cotton on the farm in 1960 was less than 75 percent of the 1960 farm allotment, in lieu of using the 1960 farm allotment as the farm base, the base shall be the average of (i) the cotton acreage actually planted or regarded as planted for the farm for 1960 and (ii) the 1960 farm allotment. Similarly, the 1958 farm allotment used for establishing the minimum farm allotment shall be adjusted to the average acreage so determined. However, the farm acreage history for 1960 shall be limited to the extent required under section 344(f)(7) of the act.

(2) The farm base adjustment described in item 1 above shall not be made if the county committee determines that failure to plant at least 75 percent of the farm allotment was due to conditions beyond the control of producers on the farm. Such conditions are limited to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm. The farm operator may file an application in writing with the county committee showing that failure to plant at least 75 percent of the farm allotment in 1960 was due to conditions beyond the control of producers on the farm and requesting that no adjustment be made of the farm base for use in establishing the farm allotment for 1961. Such application shall be filed not later than August 1, 1960. In order for the county committee to approve such application for a farm, producers on the farm must have been prevented by conditions beyond the control of such producers from timely planting or replanting of cotton.

(b) *Preservation of acreage history under section 377 of the act.* Section 377 of the act as amended by Public Law 86–172 (73 Stat. 393, approved August 18, 1959) provides for preservation of acreage history beginning with the 1960 crop under certain circumstances. The Choice (A) farm allotment for 1960, excluding any allotment released from the farm or reapportioned to the farm, shall be considered for purposes of future State, county, and farm allotments to have been planted to cotton (acreage history for released allotment shall be determined in accordance with § 722.318(b)): *Provided, however,* That the Choice (A) farm allotment for 1960, except for such allotment on farms owned by the Federal Government, shall not be preserved as history acreage unless an acreage equal to 75 percent or more of the farm allotment, after release and before reapportionment, in one of the years 1958, 1959, or 1960 was seeded to cotton or devoted to the production of cotton but seeded prior to such year or was regarded as planted to cotton under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended; and in cases where the Choice (A) farm allotment for 1960 shall not be preserved under this proviso, the acreage considered to have been planted to cotton in such cases shall be the sum, subject to the limitation under § 722.329, of (1) acreage seeded to cotton on the farm in 1960, (2) acreage devoted to the production of cotton on the farm in 1960 but seeded prior to 1960, and (3) acreage regarded as planted on the farm in 1960 under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended;

(c) *Farm acreage history.* Farm acreage history for the purpose of establishing future State and county allotments shall be the sum of the acreage considered to have been planted to cotton under paragraph (b) of this section plus the acreage released for 1960 only from the farm: *Provided, however,* That such acreage history for the State, county, and farm shall be limited to the extent required under sections 344(b) and 344(f)(7) of the act.

§ 722.320 Allotments for special farms.

(a) *Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.* Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain, farm allotments for such acquired land and determination of other farm allotment for such owner shall be governed by section 378 of the act and the regulations pertaining to reconstitution of farms in Part 719 of this chapter (23 F.R. 6731) as amended.

(b) *Publicly owned agricultural experiment stations—(1) Allotments for farms operated by publicly owned agricultural experiment station.* A farm allotment shall be established pursuant to the provisions of § 722.317 for a farm operated by a publicly owned agricultural experiment station.

(2) *Conditions under which production is exempted from penalty.* The marketing penalty shall not apply to the marketing of any cotton of the 1960 crop which is grown for experimental purposes only on a farm operated by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station. Where the acreage planted to cotton on a farm operated by a publicly owned agricultural experiment station is in excess of the farm allotment, the acreage used for determining the marketing excess, if any, for the farm shall be the smaller of (i) the acreage planted to cotton on the farm in excess of the farm allotment, or (ii) the acreage planted to cotton on the farm which is not for experimental purposes. Also, the marketing penalty shall not apply to cotton produced for experimental purposes on other land by a person pursuant to a written agreement with a publicly owned agricultural experiment station whereby the experiment station bears the costs and risks incident to the production of the cotton and the proceeds from the crop inure to the benefit of the experiment station and such agreement is approved by the State committee. Such approval will be given if the State committee finds that the agreement conforms to the requirements of this subparagraph.

EXTRA LONG STAPLE COTTON

§ 722.321 Conditions of exemption of extra long staple cotton.

(a) *If marketing quotas under section 347 of the act are in effect for 1960 crop.* If marketing quotas for extra long staple cotton are in effect for the 1960 crop, the provisions of this subpart relating to upland cotton shall not apply to those types of extra long staple cotton which are subject to marketing quotas under the provisions of section 347 of the act.

(b) *If marketing quotas under section 347 of the act are not in effect for the 1960 crop.* If marketing quotas for extra long staple cotton are not in effect for the 1960 crop:

(1) All of the 1960 crop of American-Egyptian cotton which is produced from pure strain seed in Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; and Imperial and Riverside Counties, California; and Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, and Ward Counties, Texas, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1960 crop of upland cotton; provided the American-Egyptian cotton is ginned on a roller-type gin, or the Deputy Administrator authorizes such cotton to be ginned on another type gin for experimental purposes, or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain American-Egyptian cottonseed is to be planted, and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton, and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the American-Egyptian seed to be planted showing that such seed is of pure strain.

(2) All of the 1960 crop of Sea Island and Sealand cotton which is produced from pure strain seed in Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Levy, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwanee, Union and Volusia Counties, Florida; and Berrien, Cook, and Lanier Counties, Georgia; and all of the 1960 crop of Sea Island cotton which is produced from pure strain seed in Puerto Rico, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1960 crop of upland cotton; provided the Sea Island and Sealand cotton is ginned on a roller-type gin, or the Deputy Administrator authorizes such cotton to be ginned on another type gin for experimental purposes or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain Sea Island cottonseed, or pure strain Sealand cotton seed, is to be planted, and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton, and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the Sea Island seed and the Sealand seed to be planted showing that such seed is of pure strain.

(3) Any cotton produced from the 1960 crop which staples one and one-half inches or more in length and which is ginned on a roller-type gin, or the Deputy Administrator authorizes the cotton to be ginned on another type gin for experimental purposes, or to prevent loss of the cotton due to frost or other adverse conditions, shall be excepted from the provisions of the regulations in this subpart with respect to marketing quotas for the 1960 crop of upland cotton regardless of where the cotton is produced in the United States or the variety of cotton from which such cotton is produced.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.322 Notices of farm allotment, marketing quota, and levels of price support.

(a) *Notice of farm allotment and marketing quota.* Immediately after farm allotments in a county are established and approved by the State committee or an employee of the State office pursuant to § 722.331(b), the county committee shall mail to the operator of each such farm a written notice of the Choice (A) and Choice (B) farm allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new cotton farm for which application for an allotment is made but for which it is determined that no farm allotment and marketing quota will be established a similar written notice showing "None" as the allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof substantially the following statement: "To all persons who as operator, landlord, tenant, or sharecropper will for the 1960 crop year be interested in the cotton produced on the farm for which this allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. Such notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. A copy of each notice containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced in 1960 on the farm for which the notice is given. Insofar as practicable, the notice for each old cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether cotton farmers favor or oppose marketing quotas for the 1960 crop. Farm allotments shall not become effective unless (1) proper approval is obtained as provided under § 722.331 and (2) written notice of farm allotment is issued as provided under §§ 722.311 to 722.333. The farm operator shall immediately notify the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, for which a notice of farm allotment is issued for 1960 and, where required, the county committee shall issue a revised notice of farm allotment.

(b) *Notice of price support level for Choice (A) and Choice (B) allotments and right to elect Choice (B) allotment.* Under section 102(a) of the Agricultural Act of 1949, as amended, the Secretary is required to determine and announce not later than January 31, 1960, on the basis of an estimate of the supply percentage and of the parity price as of August 1, 1960, the price support level for producers who elect Choice (A) and Choice (B) farm allotments. As soon as practicable thereafter, the county committee shall mail to the operator of each farm receiving a notice of farm allotment and marketing quota other than

0.0 acre allotment under paragraph (a) of this section, a written notice of price support level for Choice (A) and Choice (B) allotments shown on the notice of farm allotment and marketing quota issued under § 722.322(a) and right to elect Choice (B) allotment for the farm. Such notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office.

§ 722.323 Amount of farm marketing quota.

The farm marketing quota for any farm for the 1960 crop of cotton shall be the actual production of lint cotton on the farm less the farm marketing excess.

§ 722.324 Amount of farm marketing excess.

The farm marketing excess for the 1960 crop of cotton shall be the normal production of the acreage of cotton on the farm in excess of the farm allotment: *Provided,* That such farm marketing excess shall not be larger than the amount by which the actual production of cotton on the farm exceeds the normal production of the farm allotment if the producer established such actual production in accordance with the regulations pertaining to marketing quotas for upland cotton (§§ 722.1 to 722.51; 23 F.R. 3231), as amended.

§ 722.325 Publication of farm allotments and marketing quotas.

One copy of each notice of the farm allotment and marketing quota for farms in a county mailed under § 722.322(a) shall be placed in binders or folders, or in lieu thereof a listing of such allotments and quotas shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period, the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. Either the copies of the notices or the listing referred to in this section shall be maintained in the county office by the county office manager for the use of the chairmen of the community committees.

§ 722.326 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in a cotton crop, or in cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, except as provided in § 722.317(h), be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of cotton.

§ 722.327 Marketing quotas not transferable.

A farm marketing quota is established for a farm and except as specifically provided for in §§ 722.318 and 722.320(a) may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.328 Measurement of farms to determine compliance with allotments.

For purposes of determining compliance with allotments, premeasurement of farms, measurement of farms after planting, notice of measured acreage, disposition of excess acreage, and remeasurement shall be governed by Part 718 of this chapter (24 F.R. 4223), as amended.

§ 722.329 No credit for overplanting the farm allotment.

Any acreage planted to cotton in 1960 in excess of the farm allotment for the 1960 crop of cotton shall not be taken into account in establishing State, county, and farm allotments for the 1961 and subsequent crops of cotton.

§ 722.330 Availability of records.

The State and county committees shall make available for inspection by owners or operators of farms receiving cotton allotments, all records pertaining to cotton allotments and marketing quotas, including the allocations to the county from the State reserve and the total amount and the distribution of the county reserve.

§ 722.331 Approval of determinations and additional authority for determination of farm allotments and farm marketing quotas.

(a) *Approval of State reserves, county allotments, and county reserves.* Determination of State reserves and county allotments as provided for in § 722.316 (a) and (e), and of county reserves, as provided in § 722.317(b), shall be subject to review and approval by the Secretary and such allotments and reserves as approved by the Secretary shall be published at a later date in an amendment to § 722.316(h).

(b) *Approval of county committee determinations.* A representative of the State committee shall review all farm allotments prior to issuance thereof and may revise or require revisions of any determinations made under §§ 722.317 to 722.328: *Provided, however,* That such prior review shall not be required where revised farm allotments resulting from reconstitution of farms or from release and reapportionment of farm allotments do not require additional acreage for allocation. Cotton allotments for both old and new cotton farms shall be approved by a representative of the State committee. No official notice of farm allotment and marketing quota shall be mailed to a farm operator until such approval has been obtained.

(c) *Additional authority for determination of farm allotments and farm marketing quotas.* In addition to the authority established in §§ 722.311 to 722.331(b) for determination of farm allotments and farm marketing quotas for both old and new farms, including revised allotments to correct errors, such determinations may be made by the Secretary and Assistant Secretary of Agriculture, or the Administrator of Commodity Stabilization Service. A notice conforming to the requirements of § 722.322 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of § 722.322. A copy of each notice shall be kept among the permanent records of the appropriate county committee and copies thereof shall be made available in accordance with the provisions of § 722.322 to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced in 1960 on the farm for which the notice is given.

§ 722.332 Review of farm allotment.

(a) *Review committee.* Any producer who is dissatisfied with the farm allotment established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm allotment for such farm, may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.322(a), have such allotment reviewed by a review committee composed of three farmers appointed by the Secretary pursuant to section 363 of the act. The review committee shall, upon proper application, review the action of the county committee. In all cases, the review committee shall consider only such matters as under the applicable provisions of the act and the regulations in this part, are required or permitted to be considered by the county committee in establishing the allotment. Unless such application is made within 15 days, the original determination of the farm allotment shall be final. All applications for review shall be made in accordance with the marketing quota review regulations issued by the Secretary, a copy of which may be obtained from the county committee.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

§ 722.333 Erroneous notices.

(a) *Erroneous notice of cotton allotment.* In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allot-

ment shown on the erroneous notice. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of cotton customarily planted; and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee or the State administrative officer. The acreage planted to cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.329.

(b) *Erroneous notice of planted acreage.* In any case where it is discovered after all the cotton acreage on the farm has been picked one or more times that the farm operator was officially notified in writing through error of an acreage planted to cotton which is less than the acreage actually planted but the acreage actually planted is in excess of the farm allotment, the county committee shall determine whether or not the following conditions are met:

(1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous official notice of measured acreage.

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with § 722.328.

(3) The incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the cotton acreage for upland cotton for the farm.

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error.

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

If the county committee determines that all five of the conditions are met, and the State administrative officer concurs upon review of the county committee determination, the acreage planted to cotton on the farm will be considered as an acreage equal to the farm allotment.

NOTE: The reporting and record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 14th day of October 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-8808; Filed, Oct. 15, 1959; 3:30 p.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 847.2, Supp. 6]

PART 847—PUERTO RICO

Local Producing Areas for 1958–59 Crop

Pursuant to the provisions of the Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments for the 1950–51 and Subsequent Crops (15 F.R. 6490), as amended (20 F.R. 5963), the Director of the Agricultural Stabilization and Conservation Caribbean Area Office hereby makes the following determinations:

§ 847.8 Local producing areas in Puerto Rico.

(a) For the 1958–59 crop year, each of the following combination of wards comprise a local producing area:

(1) Wards Arrozal, Factor, Garrochales, Islote, Miraflores, Rio Arriba and Sabana Hoyos in the municipality of Arecibo.

(2) All of the wards in the municipalities of Camuy, Hatillo, Isabela and Quebradillas; and wards Dominguito, Esperanza, Hato Abajo and Hato Arriba in the municipality of Arecibo.

(3) All of the wards in the municipalities of Lares and San Sebastián; and wards Angeles and Caguana in the municipality of Utuado.

(4) All of the wards in the municipality of Guayanilla with the exception of ward Boca.

(5) Wards Beatriz, Cañabón, Cañaboncito, Tomás de Castro and Turabo in the municipality of Caguas.

(6) Wards Rio Cañas and San Antonio in the municipality of Caguas.

(7) Wards Candelaria, Lajas, Llanos, Paris, Palmarejo and Santa Rosa in the municipality of Lajas.

(8) All of the wards in the municipalities of Sabana Grande and San Germán.

(b) That due to drought in each one of the aforesaid local producing areas the actual yields of sugar for the 1958–59 crop year from ten percent or more of the sugarcane acreage harvested on all farms or parts of farms located in each such local producing area, were not in excess of 80 percent of the applicable normal yields.

Statement of bases and considerations. An examination of the records with respect to individual farms shows that the actual yields of sugar from 10 percent or more of the sugarcane acreage harvested on each of the aforesaid local producing areas were not in excess of 80 percent of the applicable normal yields.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153)

G. LAGUARDIA,
Director, Agricultural Stabilization and Conservation Caribbean Area Office.

SEPTEMBER 22, 1959.

[F.R. Doc. 59-8789; Filed, Oct. 16, 1959; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 187]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.487 Valencia Orange Regulation 187.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting infor-

mation for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 15, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 18, 1959, and ending at 12:01 a.m., P.s.t., October 25, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 554,400 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 16, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-8844; Filed, Oct. 16, 1959; 11:38 a.m.]

[Orange Reg. 363]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.981 Orange Regulation 363.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the bases of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 13, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 22 F.R. 6676).

(2) During the period beginning at 12:01 a.m., e.s.t., October 19, 1959, and ending at 12:01 a.m., e.s.t., November 16, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{3}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2\frac{3}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than $2\frac{3}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 14, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-8786; Filed, Oct. 16, 1959; 8:48 a.m.]

[Grapefruit Reg. 315]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.982 Grapefruit Regulation 315.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such

effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 13, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a.m., e.s.t., October 19, 1959, and ending at 12:01 a.m., e.s.t., November 16, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3 15/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1: *Provided,* That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade; or

(iv) Any seedless grapefruit, grown in the production area, which are smaller than 3 9/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 14, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–8785; Filed, Oct. 16, 1959; 8:48 a.m.]

[Tangerine Reg. 210]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS, GROWN IN FLORIDA

Limitation of Shipments

§ 933.983 Tangerine Regulation 210.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 13, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 19, 1959, and ending at 12:01 a.m., e.s.t., November 16, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 14, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–8788; Filed, Oct. 16, 1959; 8:48 a.m.]

[Tangelo Reg. 16]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.984 Tangelo Regulation 16.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 19, 1959. The committee held an open meeting on October 13, 1959, to consider recommendations for a regulation, in accordance with the said amended marketing agreement and order, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangelos, grown in the production area, and this section, including the effective time thereof is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangelos, grown in the production area, at the start of this marketing season; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relative to grade and diameter, as used in this section, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 19, 1959, and ending at 12:01 a.m., e.s.t., November 16, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Bronze; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2\frac{7}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 14, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-8787; Filed, Oct. 16, 1959; 8:48 a.m.]

[Lemon Reg. 815]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.922 Lemon Regulation 815.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 14, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 18, 1959, and ending at 12:01 a.m., P.s.t., October 25, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 102,300 cartons;
(iii) District 3: 46,500 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 15, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-8818; Filed, Oct. 16, 1959; 9:05 a.m.]

[Avocado Order 18, Amdt. 5]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time

intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until October 13, 1959; a determination as to the time of maturity of the varieties of avocados covered by this amendment was made at the meeting of said committee on October 13, 1959, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this regulation are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 969.318 (24 F.R. 4050, 4827, 5824, 6904, 7354) are hereby further amended as follows:

1. In Table I in subparagraph (1) revise the dates appearing in Columns 2 and 4 and the weight and diameter appearing in Column 3 applicable to Hall variety so that after such revision the portion of such Table applicable to such variety shall read as follows:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)
Hall	Oct. 19, 1959	20 ounces 3 9/16 inches.	Nov. 2, 1959

2. Add to Table I in subparagraph (1) the following:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)
Booth 3	Nov. 2, 1959	16 ounces 3 9/16 inches.	Nov. 23, 1959
Ajax (B-7B)	do	18 ounces 3 13/16 inches.	Do.
Taylor	do	14 ounces 3 5/16 inches.	Do.
Booth 1	do	16 ounces 3 11/16 inches.	Do.

(c) *Effective time.* The provisions of this amendment shall become effective at 12:01 a.m. e.s.t., October 19, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 15, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-8807; Filed, Oct. 16, 1959; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54962]

PART 1—CUSTOMS DISTRICTS AND PORTS

Customs Agency District No. 16

Because of the increase in the volume of customs transactions originating in the countries of central and southern Europe, and Africa, it has become necessary to relocate the headquarters of Customs Agency District No. 16, and to redefine the limits of the district. Accordingly, § 1.5, Customs Regulations, is amended as follows:

1. In the column headed "Headquarters at," opposite District 16, substitute "Rome, Italy" for "London, England."

2. In the column headed "Area," opposite District 16, change "Europe and the Near East" to read "Europe, Africa, and the Near East."

(R.S. 161, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624)

The foregoing amendments shall be effective on November 1, 1959.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: October 9, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-8763; Filed, Oct. 16, 1959; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 533—GRATUITY UPON DEATH

Revision of Part

Part 533 is revised to read as follows:

Sec.
533.1 Definitions.
533.2 Entitlement.
533.3 Beneficiaries.
533.4 To whom not payable.
533.5 Payment made to person other than rightful beneficiary.
533.6 Special determinations.
533.7 Insert to be mailed with death gratuity check.

AUTHORITY: §§ 533.1 to 533.7 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 1475–1480, 72 Stat. 1452–1455; 10 U.S.C. 1475–1480.

SOURCE: Sec. 7, Chap. 10, AR 37-104.

§ 533.1 Definitions.

(a) *Member.* (1) Member means a person appointed, enlisted, or inducted in a component of the Army (including a Reserve component), or in the Army of the United States without specification of component, and any person serving in the Army under call or conscription. The term includes:

(i) A retired member of the Army.

(ii) A cadet at the United States Military Academy.

(iii) A member of the Reserve Officers' Training Corps, when ordered to annual training duty for 14 days or more, and while performing authorized travel to and from that duty.

(2) The term also includes any person while en route to or from, or at, a place for final acceptance or for entry upon active duty in the military service, who has been provisionally accepted for such duty; or who, under the Universal Military Training and Service Act, has been selected for active military service; and has been ordered or directed to proceed to such place. If such person suffers an injury or disease resulting in disability or death, he will be deemed to be on active duty when the incident occurs, and to be entitled to the basic pay of the pay grade which he would receive upon final acceptance or entry upon active duty.

(b) *Reserve component.* (1) Reserve component means:

(i) The Army Reserve.

(ii) The National Guard of the United States.

(2) A member of the National Guard of the several States, Territories, or the District of Columbia when performing training or duty under Title 32, United States Code, sections 316, 502, 503, 504, or 505, will, for the purpose of this part, be considered a member of a Reserve component, and training or duty performed by such member under those sections will be considered active duty for training or inactive duty training as appropriate.

(c) *Active duty.* Active duty means:

(1) Full-time duty performed by a member, other than active duty for training.

(2) Service as a cadet at the United States Military Academy.

(3) Authorized travel to or from such duty or service.

(d) *Active duty for training.* Active duty for training means:

(1) Full-time duty performed by a member of a Reserve component in the active military service for training purposes,

(2) Annual training duty performed for a period of 14 days or more by a member of the Reserve Officers' Training Corps, and

(3) Authorized travel to or from such duty.

(e) *Inactive duty training.* Inactive duty training means any of the training, instruction, duty, appropriate duties, or equivalent training, instruction, duty,

appropriate duties, or hazardous duty, performed with or without compensation by a member of a reserve component, prescribed by the Secretary of the Army pursuant to section 501, Career Compensation Act of 1949. The term does not include work or study performed by a member of a reserve component in connection with service correspondence courses, or attendance, under the sponsorship of the Army, at an educational institution in an inactive status.

(f) *Spouse.* The term spouse means any man or woman who is legally married to a member at the time of the member's death.

(g) *Child.* The term child includes the legitimate child of a member, as well as a child legally adopted.

(2) It also includes an illegitimate child, but as to the father only if:

(i) He has acknowledged the child in writing over his signature, or

(ii) He has been judicially ordered to contribute to the child's support, or

(iii) He has been, prior to his death, judicially decreed to be the putative father of the child, or

(iv) He is otherwise shown by satisfactory evidence to be the putative father of the child.

(3) It also includes a stepchild, if such child belongs to the member's household; where the relationship between a member and a stepchild was created by a marriage which was terminated by death, the relationship may be considered as continuing for death gratuity payment purposes unless evidence exists to the contrary. See 24 Comp. Gen. 320.

(h) *Parent.* The term parent means the natural father or mother, and father or mother through adoption. This term includes also persons who for a period of not less than 1 year have stood in loco parentis to a member at any time prior to entry into active service. However, not more than one father and one mother will be recognized in any case, and preference will be given to the father or mother who actually exercised parental relationship at the time of or most nearly prior to the date of last entry into active service by the person who served.

§ 533.2 Entitlement.

(a) *General.* The Secretary of the Army will have a death gratuity paid immediately upon official notification of the death of a member under his jurisdiction who dies while on active duty (to include authorized travel to or from such duty), active duty for training (to include authorized travel to or from such duty), or inactive duty training, except as provided in paragraph (f) of this section. The death gratuity will be paid regardless of whether death occurred not in line of duty or as a result of the member's misconduct, if otherwise proper. The death gratuity will equal 6 months' basic pay (plus special and incentive pays) at the rate to which the deceased member was entitled on the date of his death, but will not be less than $800 nor more than $3,000.

(b) *Reservists while traveling to or from place of training duty.* (1) This paragraph applies to a member of a reserve component who assumes an obligation to perform active duty for training or inactive duty training, when he is authorized or required to do so by competent authority.

(2) Such a member will be deemed to have been in an active duty for training or inactive duty training status, as appropriate, at the time he incurs an injury which results in his death, provided that he incurred the injury on or after 1 January 1957 while entitled to basic pay and while proceeding directly to or returning from such duty for training.

(3) The Adjutant General, on behalf of the Secretary of the Army, will determine whether the member concerned was authorized or required to perform such duty, and whether he died from the injury so incurred. In making this determination, The Adjutant General will take into consideration the following:

(i) The hour on which the member began to so proceed or so return.

(ii) The hour on which he was scheduled to arrive for, or on which he ceased to perform, such duty.

(iii) The method of travel employed.

(iv) His itinerary.

(v) The manner in which the travel was performed.

(vi) The immediate cause of death.

(4) Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this paragraph, the burden of proof will be upon the claimant.

(c) *Death within 120 days after discharge or release from active service—* (1) *Circumstances under which payable.* Payment of the 6 months' death gratuity will be made when a member or former member dies on or after January 1, 1957, during the 120 day period which begins on the day following the date of his discharge or release from active duty, active duty for training, or inactive duty training, if the Administrator of Veterans' Affairs determines that the death resulted from:

(i) Disease or injury incurred or aggravated while on such active duty or inactive duty for training; or

(ii) Injury incurred or aggravated while on such inactive duty training.

(2) *Determinations by Administrator of Veterans' Affairs.* Determinations by the Administrator of Veterans' Affairs that deaths occurred under the circumstances referred to in subparagraph (1) of this paragraph, when made on the basis of claims for dependency and indemnity compensation, are certified to the Secretary of the Army; in all other cases, the Administrator makes the determinations referred to in subparagraph (1) of this paragraph at the request of the Secretary of the Army. The standards, criteria, and procedures for determining incurrence or aggravation of a disease or injury under this paragraph are (except for line of duty) those applicable under disability compensation laws administered by the Veterans Administration.

(3) *Rate at which computed.* For the purposes of computing the amount of death gratuity to be paid by reason of this paragraph, the deceased member or former member is deemed to be entitled on the date of his death to basic pay (plus special and incentive pay) at the rate to which he was entitled on the last day he performed such active duty, active duty for training, or inactive duty training.

(4) *When not payable.* Death gratuity is not payable under the provisions of this paragraph unless the Administrator of Veterans Affairs determines that the deceased member or former member was discharged or released under conditions other than dishonorable from such period of active duty, active duty for training, or inactive duty training.

(d) *Active duty without pay.* A member of a reserve component who performs active duty, active duty for training, or inactive duty training, without pay, is considered as having been entitled to basic pay while performing such duties.

(e) *Hospitalization of members of reserve components.* A member of a reserve component of the military service who suffers disability while on active duty, active duty for training, or inactive duty training, and who is placed in a pay status while he is receiving hospitalization or medical care (including outpatient care) for such disability is deemed to continue on such duty for so long as he remains in a pay status.

(f) *Punitive death.* No payment will be made if the deceased member suffered death as a result of lawful punishment for crime or for a military offense, except when death was so inflicted by any hostile force with which the Armed Forces of the United States have engaged in armed conflict.

§ 533.3 Beneficiaries.

(a) *General.* Except as provided in § 533.4 the death gratuity will be paid to or for the living survivor or survivors of the deceased member first listed below:

(1) His spouse.

(2) His children (without regard to their age or marital status) in equal shares.

(3) His parents or his brothers or sisters (including those of the halfblood and those through adoption) when designated by him (paragraph (b) of this section).

(4) His parents in equal shares.

(5) His brothers and sisters (including those of the halfblood and those through adoption) in equal shares.

If a survivor dies before he receives the amount to which he is entitled, such amount will be paid to the then living survivor or survivors first listed in this paragraph.

(b) *Designation of alternate beneficiaries.* A member has a right to designate certain alternative beneficiaries who will receive the gratuity if he dies without a surviving spouse or children. He may designate one or more of his parents, brothers, and sisters (or any combination thereof) as alternate beneficiaries and may prescribe the amount that each will receive. He may state the percentage to be given each alternative beneficiary in a manner prescribed herein but the total will not be more

than 100 percent of the total amount of the gratuity. While the law does not prohibit the service member from assigning to designated beneficiaries whatever percent (up to 100 percent) of the gratuity he chooses, it is assumed that the member will keep in mind the purpose of the gratuity, and will take care to see that each one is given a sum adequate to meet the basic emergent needs during the period of the emergency. The purpose of the gratuity would be defeated if the member assigned only a meager portion of the gratuity (for example, 2 percent) to any of the designated beneficiaries. To avoid the assignment of frivolous amounts where several beneficiaries are involved in one case, the gratuity will be distributed as prescribed herein. If not more than five persons are designated to receive the gratuity, the member may not specify less than 10 percent for any one beneficiary. Where more than five persons are designated, the member may not specify less than 5 percent for any one beneficiary. See 36 Comp. Gen. 741.

(c) *Distribution of gratuity upon death of alternate beneficiary prior to receipt of payment and when designated survivor determined ineligible.* (1) If more than one person, all of whom are eligible under the statute, are designated as beneficiaries, and one of the designated beneficiaries dies prior to the member's death (paragraph (d) of this section), or after his death but prior to the time payment is made, the share of the deceased beneficiary will be paid to the remaining designated beneficiaries. In such cases, where no specific shares are specified for the beneficiaries or where equal shares are specified for the remaining beneficiaries, the share of the deceased beneficiary will be distributed equally to the remaining beneficiaries. Where unequal shares are specified for the remaining beneficiaries the share of the deceased beneficiary will be distributed proportionately to the remaining beneficiaries.

(2) If a survivor designated to receive the death gratuity or a portion of the gratuity is not a survivor within the class of beneficiaries listed in paragraph (a) of this section or § 533.4, it will be construed as though no designation of beneficiary has been made (when such person is the only designee) or that no designation had been made for that portion assigned to the ineligible survivor.

(3) The following are examples of the method of distribution under circumstances described in subparagraphs (1) and (2) of this paragraph:

(i) If the member assigned to his sister, mother, and brother each 33⅓ percent of the death gratuity and the sister died before receiving payment of her share of the gratuity, the amount which she would have received, but for her death will be divided equally between the two remaining designated survivors.

(ii) If the member assigned 25 percent of the gratuity to his sister, 50 percent to his mother, and 25 percent to his brother, and the sister died before receiving payment of her share of the gratuity, the share which she would have received but for her death will be divided proportionately between the mother and brother; i.e., the mother would receive two-thirds of the gratuity and the brother would receive one-third of the gratuity.

(iii) If a designated survivor who is the only designee is determined to be ineligible to receive the gratuity, it will be paid to the then living survivor or survivors first listed in paragraph (a) of this section. In cases where there are other eligible designated survivors to share in the gratuity, the portion assigned the ineligible survivor will be divided proportionately among the remaining designated eligible survivors. See 36 Comp. Gen. 741.

(d) *Execution of Designation of Beneficiary Form.* Designation of beneficiaries for death gratuity will be made on DD Form 93 (Record of Emergency Data). To avoid delay in making payment of the gratuity, the service member should execute a new DD Form 93 upon the death of any person designated to receive the gratuity or when other changes occur in his personal affairs that will affect payment of the gratuity.

(e) *Will—not designation.* A general bequest in a will is not a designation of beneficiary within the meaning of the act providing the 6 months' gratuity pay. The gravity is not a debt or money due the member and therefore cannot become a part of his estate.

§ 533.4 To whom not payable.

(a) *Person who takes life of deceased.* The 6 months' death gratuity may not be paid to a person who takes the life of the deceased, even though such person would otherwise qualify as the proper beneficiary. The only exception to this policy is a case where the records clearly establish the absence of any felonious intent on the part of the person who would otherwise be entitled to receive payment of the gratuity. See MS. Comp. Gen. A–60953, June 12, 1935, and MS. Comp. Gen. B–115170, July 16, 1953.

(b) *Natural parent of legally adopted member.* The 6 months' death gratuity may not be paid to the natural parent of a member who had been legally adopted. The fact that the member returned to reside with the natural parent before induction into the service and designated the natural parent as beneficiary to receive the payment does not change the foregoing statement, unless the member resided with the natural parent for a period of not less than 1 year prior to entry into the service and parental relationship was exercised by the natural parent at the time of or most nearly prior to the date the member entered into active service. See 24 Comp. Gen. 479.

(c) *Other persons.* The 6 months' death gratuity may not be paid to stepparents, grandparents, grandchildren, or persons other than those specified in § 533.3, whether or not designated. It may not be paid to the beneficiary of a member who dies while traveling to or from inactive duty training from disease incurred while so traveling.

§ 533.5 Payment made to person other than rightful beneficiary.

(a) *Payment based on representations of record of member.* When the appropriate commander determines that a person is the rightful beneficiary to receive the gratuity based upon representations of record made by the deceased member, and the Government has no information which would give rise to doubt that such status is as represented, payment will be made to that person. If it subsequently develops that the payee is not the proper person to be paid the gratuity, the payment is not to be regarded as erroneous. Therefore, a second payment of death gratuity to the rightful beneficiary is not authorized. There is no obligation upon the Government to make a second payment of the death gratuity when the original was made in reliance on the service member's representations, irrespective of whether or not such representations are later determined to be false. See 37 Comp. Gen. 131.

(b) *Payment due to administrative error.* In cases where because of administrative error of fact or law (rather than representations of the member), payment is made to a person clearly not entitled to it, such payment is to be regarded as an erroneous payment. Therefore, when it has been ascertained that such payment was the result of improper maintenance of records or otherwise negligence on the part of administrative officers in properly processing death cases, a second payment to the rightful beneficiary is authorized to be made. This payment should not be withheld or delayed pending recovery of the erroneous payment. See 37 Comp. Gen. 131.

§ 533.6 Special determinations.

(a) *Person who dies en route home upon release from active duty.* Any person who is discharged or released from a period of active duty will be deemed to continue on active duty during the period of time immediately following the date of such discharge or release that The Adjutant General, on behalf of the Secretary of the Army, may determine is required for him to proceed to his home by the most direct route. In any event, he will be deemed to continue on active duty until midnight of the date of such discharge or release.

(b) *Leader of Military Academy Band.* The dependents of the director of music, the leader of the Military Academy Band, are entitled to the same death gratuity as dependents of an officer of the Regular Army of corresponding grade with corresponding length of service.

(c) *Absent without leave.* (1) During periods of absence without leave, a member will continue in a pay status, but will forfeit all pay and allowances during such absence unless such absence is excused as unavoidable. The 6 months' death gratuity is not a part of a member's pay and allowances; therefore, if a member dies during an absence without leave, whether or not such absence is excused as unavoidable, payment of the 6 months' death gratuity is authorized if otherwise payable.

(2) In each case where a member dies after having been dropped from the rolls as a deserter or where there is an indication that the member may be a deserter, an administrative determination as to whether the member was in a desertion or absent without leave status at the date of death will be obtained from The Adjutant General by the Commanding General, Finance Center, U.S. Army. Payment of the 6 months' death gratuity will be dependent upon the determination as to the status of such member. See 31 Comp. Gen. 645.

(3) Payment of the 6 months' death gratuity is not authorized if death occurred when the deceased was in an absent without leave status and the date of death was subsequent to date of the expiration of the deceased's normal period of enlistment. See MS. Comp. Gen. B–105587, November 19, 1951.

(d) *Flying requirements not met when on flying status.* If a member dies while assigned to flying duty and has not made any flights during any one of the 3 months immediately succeeding the quarter in which he last met the flight requirements, his rate of pay for the payment of the 6 months' gratuity includes the increased pay for flying although no flying pay had accrued to him on the date of his death, if sufficient time remained in which flight requirements could have been met. See 7 Comp. Gen. 476.

(e) *Flight status suspended.* If a member dies while under suspension from flying duty, pay for flying will not be included in the rate of pay at date of death for the payment of the 6 months' death gratuity. See MS. Comp. Gen. B–122105, April 12, 1955.

(f) *Advanced in grade after date of death.* Section 2 of the act of March 7, 1942, as amended, entitles any member in active service officially reported as missing, missing in action, interned in a foreign country, captured by a hostile force, beleaguered or beseiged, to continue to receive, or have credited to his account, the pay and allowances to which he was then or thereafter became entitled. It does not, however, authorize computation of the 6 months' death gratuity payment on the basis of pay for a grade to which a member was advanced after being officially reported missing where it was later determined that the member had died prior to such advancement in grade. See 22 Comp. Gen. 395.

(g) *Declared dead after missing.* In the case of a member who was officially carried in a missing status and subsequently declared dead as of a certain date, the death gratuity should be computed on the pay rate to which the member was entitled on the date as of which he was declared dead, rather than on the rate he was receiving at the beginning of the missing status. See 22 Comp. Gen. 1053.

§ 533.7 Insert to be mailed with death gratuity check.

The check mailed to the beneficiary will be accompanied by a statement to the effect that the check is for payment of 6 months' gratuity in full, and that any pay and allowances due the deceased at date of death will be processed and paid by the Commanding General, Finance Center, U.S. Army.

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59–8753; Filed, Oct. 16, 1959; 8:45 a.m.]

Chapter XVI—Selective Service System

[Amdt. 36]

PART 1621—PREPARATION FOR CLASSIFICATION

List of Registrants

Paragraph (b) of § 1621.5 of the Selective Service Regulations is amended to read as follows:

§ 1621.5 Preparation of List of Registrants (SSS Form No. 3).

* * * * *

(b) On the tenth day of each month the local board shall prepare for each year of birth for which there are initial or additional registrants an initial or supplemental List of Registrants (SSS Form No. 3) listing thereon, in the manner prescribed in paragraph (a) of this section, every registrant of the local board for whom a Registration Card (SSS Form No. 1) has been completed or received and who registered prior to the end of the preceding month and has not been listed on a List of Registrants (SSS Form No. 3) previously prepared. For all the years of birth for which there are no such initial or additional registrants, the local board shall prepare, on the tenth day of each month, one report headed "Negative" in which the years of birth are listed followed by the word "None". This report shall be entered at the end of any List of Registrants (SSS Form No. 3) prepared for a year of birth for which there are initial or additional registrants or, if there are no such registrants for any year of birth, a similar negative report shall be entered on one List of Registrants (SSS Form No. 3).

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460; E.O. 9979, July 20, 1948, 13 F.R. 4177; 3 CFR, 1943–1948 Comp.)

The foregoing amendment to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

OCTOBER 14, 1959.

[F.R. Doc. 59–8764; Filed, Oct. 16, 1959; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2008]

[82769]

WISCONSIN

Withdrawing Lands for Use of Department of Agriculture

By virtue of the authority vested in the President, and in order to further effectuate the objectives of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522, 525; 7 U.S.C. 1001 et seq.) and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Wisconsin, being found suitable for the purposes of Title III of the said Bankhead-Jones Farm Tenant Act, is hereby withdrawn from all forms of appropriation under the public land laws, and reserved under jurisdiction of the Department of Agriculture for use, administration and disposition in accordance with the provisions of Title III of the said Bankhead-Jones Farm Tenant Act:

FOURTH PRINCIPAL MERIDIAN

T. 43 N., R. 7 W.,
Sec. 34, SW¼NW¼.

The area described contains 40 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

OCTOBER 12, 1959.

[F.R. Doc. 59–8757; Filed, Oct. 16, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 694]

[Administrative Order 522]

SPECIAL INDUSTRY COMMITTEE NO. 6 FOR THE VIRGIN ISLANDS

Appointments To Investigate Conditions and Recommend Minimum Wages; Notice of Hearing

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.) and Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearing of Industry Committee No. 6 for the Virgin Islands to be composed of the following representatives:

For the public:

William F. McKenna, Chairman, Los Angeles, Calif.

Henry W. de Lagarde, St. Thomas, Virgin Islands.

For the employees:

Ithiel Melchior, St. Thomas, Virgin Islands.

Raymond A. Pedro, St. Croix, Virgin Islands.

For the employers:

Gordon M. Skeoch, St. Croix, Virgin Islands.

John P. Scott, St. Thomas, Virgin Islands.

I hereby refer to this industry committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the Virgin Islands who are engaged in commerce or in the production of goods for commerce. However, there is not referred to the committee the question of the minimum wage rate or rates to be paid to employees in the Air Transportation Industry as defined in § 694.1 (g) of 29 CFR Part 694. The industry committee shall investigate conditions in the industries in the Virgin Islands and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

The committee will meet in executive session to make appropriate decisions concerning its proceedings at 10:00 a.m. and commence its hearings at 2:00 p.m. on November 16, 1959, in the Federal Court Room, Christiansted, St. Croix, Virgin Islands. Upon completion of its proceedings on St. Croix, the committee will adjourn to the Legislative Chamber, Charlotte Amalie, St. Thomas, where the hearing will be resumed at 10:00 a.m. on November 18, 1959.

In order to reach as rapidly as is economically feasible the objective of the minimum wage of $1.00 an hour prescribed in paragraph (1) of section 6(a) of the Act, the committee will recommend to the Administrator the highest minimum rate or rates of wages which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in each industry in the Virgin Islands and will not give any industry in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters referred to the committee. Copies of these reports may be obtained at the National and Puerto Rican Offices of the United States Department of Labor as soon as they are completed and prior to the hearing. The committee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing.

The procedure of this industry committee will be governed by Title 29 of the Code of Federal Regulations, Part 511. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested parties shall file a prehearing statement, containing certain specified data, not later than November 6, 1959.

Signed at Washington, D.C., this 15th day of October 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-8820; Filed, Oct. 16, 1959; 10:28 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 141]

[Ex Parte No. 219]

FREIGHT SCHEDULES

Rates From, To or Via Newly Constructed Lines of Road and Pipelines and Newly Established Service Via Water Carriers

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 24th day of September A.D. 1959.

Regulations contained in § 141.57 (Rule 57 of Tariff Circular No. 20, as amended) relating to charges at, and rates, classifications, rules or regulations applicable from, to, or via points on newly constructed lines of railroad, and rates from, to, via, or at points reached by newly laid pipelines, and from, to, via, or at ports reached by water carriers when new water service has been inaugurated, being under consideration, and

It appearing that under existing conditions the establishment of rates, charges, classifications, rules or regulations applicable from, to, or via points on newly constructed lines of railroad, and rates from, to, via, or at points reached by newly laid pipelines, and rates, charges, classifications, rules or regulations applicable from, to, via, or at ports reached by water carriers when new water service has been inaugurated, by authority contained in § 141.57 (Rule 57 of Tariff Circular No. 20) is contrary to the public interest and the matter of establishing such rates, charges, classifications, rules or regulations can be more effectively controlled or policed by requiring the filing of an application for permission to establish such rates, et cetera, upon less than statutory notice.

And it further appearing that under existing conditions, a continuation of § 141.57 (Rule 57 of Tariff Circular No. 20, as amended) is undesirable and unnecessary. Accordingly, notice is hereby given pursuant to the provisions of section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. sec. 1003), of a proposal to amend Part 141—Freight Schedules, by deleting § 141.57 (Rule 57 of Tariff Circular No. 20, as amended).

Interested persons may file with this Commission on or before December 15, 1959, written statements of facts, opinions or arguments concerning the cancellation of the rule as proposed herein. Any such statements shall conform to the specifications provided in Rule 15 of the Commission's general rules of practice (49 CFR 1.15). One signed original and seven copies shall be furnished for the Commission's use.

No formal hearing is contemplated with respect to the proposal herein contained, but informal conferences may be arranged with designated officials of the Commission.

Notice to the public will be given by depositing a copy of this notice in the office of the Secretary of the Commission for inspection and by filing a copy with the Director, Federal Register Division.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-8761; Filed, Oct. 16, 1959; 8:46 a.m.]

[49 CFR Parts 181, 182]

[No. 32155]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

[No. 32156]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

Notice of Proposed Rule Making

OCTOBER 6, 1959.

Notice is hereby given pursuant to provisions of section 4(a) of the Administrative Procedure Act that the Commission has under consideration the matter of accounting instructions presently in effect (49 CFR 182.01–19 and 181.02–20) for recording investments in motor carrier operating property. Those instructions include provisions (1) that such

property shall be recorded at actual cost to the carrier except when acquired as a part of a distinct operating unit; (2) that the cost of constituent elements of a distinct operating unit shall be their recorded cost to the vendor at the date of transfer; and, (3) that the amount paid in excess of vendor's recorded cost shall be recorded as an intangible asset.

By its petition filed October 10, 1958, Consolidated Freightways, Inc., a common carrier subject to the Commission's accounting regulations, has requested that the above provisions be modified to permit the inclusion in the Carrier Operating Property Accounts of the actual cost to the carrier of the physical property purchased in the acquisition of a Distinct Operating Unit when same is available, otherwise the use of fair market value, except when the transaction is between affiliated companies. In the latter case it is proposed that property acquired shall be recorded in the vendee's books at the book cost to the affiliated vendor.

So that the Commission may be fully advised in this matter, all interested persons are invited to submit on or before November 2, 1959, written views or suggestions having a bearing thereon, and may request oral argument or public hearing. Any views will be considered in this connection which deal with the proper basis for recording the cost of a distinct operating unit of carrier property acquired, whether from an affiliated company or not, and for computing the element of intangible value to be recognized in such an acquisition.

If oral argument or public hearing is found to be warranted, notice of the time and place will be published. Otherwise, an appropriate order will be entered under authority in sections 204 and 220 of the Interstate Commerce Act; 49 Stat. 546 and 563, as amended; 49 U.S.C. 304 and 320, as amended.

Notice of this proceeding will be served on all Class I and Class II common and contract motor carriers of property and all Class I common and contract motor carriers of passengers; notice will be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Federal Register Division.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-8762; Filed, Oct. 16, 1959; 8:46 a.m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-13]

BABCOCK & WILCOX CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4 set forth below to License No. CX-1. The amendment authorizes The Babcock & Wilcox Company, as requested in its applications for license amendment dated August 6, 1959 and September 16, 1959, to conduct the Nuclear Merchant Ship Critical Experiments in Bay No. 1 of the Company's Critical Experiment Laboratory located near Lynchburg, Virginia. The amendment also authorizes the licensee to make certain minor changes in the equipment in Bay No. 1 and to insert N. S. Savannah fuel elements into the critical experiment facility for test purposes. The Commission has found that operation of the facility in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. For further details, see (1) the applications for license amendment dated August 6, 1959, and September 16, 1959, submitted by The Babcock & Wilcox Company and (2) a hazards analysis of the proposed experiments prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 12th day of October 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. CX-1; Amdt. 4]

In addition to the activities previously authorized by the Commission in License No. CX-1, as amended, The Babcock & Wilcox Company is authorized to:

1. Conduct the Nuclear Merchant Ship Critical Experiments in Bay No. 1 of the licensee's Critical Experiment Laboratory located near Lynchburg, Virginia;

2. Make the specified changes in the equipment in said Bay No. 1; and

3. Insert production N. S. Savannah fuel elements into the critical experiment facility located in said Bay No. 1 for test purposes;

as described in the Company's applications for license amendment dated August 6, 1959, and September 16, 1959, in accordance with the procedures and subject to the limitations contained therein.

This amendment is effective as of the date of issuance.

Date of issuance: October 12, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-8752; Filed, Oct. 16, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10917; Order E-14548]

PASSENGER CREDIT PLANS PARTICIPATED IN BY CERTIFICATED AND FOREIGN AIR CARRIERS

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of October 1959.

By this order the Board directs the initiation of an investigation into the lawfulness of the various practices and tariff rules by which certificated air carriers and foreign air carriers extend credit or participate in arrangements for the extension of credit to passengers for air transportation.

The Board in its opinion in the Universal Air Travel Plan decision, 12 CAB 601 (1951), approved subject to certain conditions an agreement between airlines whereby cards are issued by the member airlines permitting subscribing members of the plan to purchase air transportation on credit. Under this plan a deposit of $425 is made by the member person, group, or company in whose name the card or cards are issued. Certain carriers have adopted the "Fly Now, Pay Later" plan where the passenger pays an amount for credit above the transportation charge. In addition, various types of on-line credit plans have been adopted by different carriers. These include provisions for credit in ticket stock and ticketing machine arrangements, a proposed "Write Your Own Ticket" plan, and plans to utilize the services of outside credit agencies wherein non-carrier credit cards will be honored for the purchase of air transportation. Under this latter plan, the carrier will pay a credit card agency a fee for its services.

While the carriers' tariffs contain certain features of the various credit plans currently in effect, information respecting the details of many of these plans

is not contained in the carriers' tariffs or otherwise filed with the Board.

As we indicated in the Universal Air Travel Plan opinion, we are in sympathy with the objectives of arrangements to convenience the traveling public and thereby provide a means of increasing air travel. The Board has not, except as involved in its approval of the Universal Air Travel Plan, heretofore examined the various credit plans now in effect by the various carriers, nor has it passed upon the question of the reasonableness of the charges or the discriminatory aspects of the various plans for credit service. It appears that participation by the carriers in credit arrangements may result in additional costs to the carriers, or deferral of the carriers' receipt of the fare for a significant period after the transportation has been furnished thereby extending to credit passengers the free use of funds during the period of credit. To the extent that participation in credit arrangements may result in an increased cost to the carrier not compensated for by the credit passenger, such credit provisions may have an adverse impact upon carrier earnings and consequently upon the fare level. Under these circumstances, it is necessary and appropriate to determine whether the extension of credit, or the participation in an arrangement for the extension of credit, or the tariff rules on file relating to such credit arrangements, are unlawful under the criteria of the Federal Aviation Act of 1958, and to provide such rules and regulations as may be appropriate.

We therefore find that the extensions of credit or the participation in plans for the extension of credit to airline passengers and the various tariff rules pertaining thereto may be unjust and unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial or otherwise unlawful, and that it is necessary in the public interest that an investigation be instituted pursuant to section 1002 of the Federal Aviation Act of 1958, to determine such matters and, contingent upon the resolution of that issue, to prescribe appropriate standards for such practices and tariff rules.

We further find that it is necessary and appropriate to review the Universal Air Travel Plan in addition to other credit plans to determine whether such plan, in the light of existing circumstances, is lawful and whether an agreement relating thereto is in the public interest under section 412 of the Act.

The Board finds that its action herein is necessary and appropriate in order to carry out the objectives of the Federal Aviation Act of 1958 and particularly sections 102, 204(a), 403, 404, 411, 412, and 1002 thereof.

It is ordered, That:

1. An investigation is instituted to determine whether the practices of extending passenger credit in connection with interstate, overseas, or foreign air transportation under any type of plan operated or participated in by a certificated air carrier or foreign air carrier, or agreements pertaining thereto, or tariff rules, as set forth in Appendix A, set forth below, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise unlawful, or adverse to the public interest, and to determine and prescribe such lawful rules, regulations, or practices as may be appropriate.

2. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

3. A copy of this order be served upon each air carrier and foreign air carrier named in Appendix B, set forth below, which are hereby made parties to this proceeding.

4. Other interested persons shall be permitted to participate or intervene in this proceeding to the extent provided in Rules 14 and 15, respectively, of the rules of practice (14 CFR 302.14, 302.15).

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

APPENDIX A

Credit Plan Tariffs

	C.A.B. No.
Allegheny Airlines, Inc	2
Bonanza Air Lines, Inc	2
Braniff Airways, Inc	9
Central Airlines, Inc	15
Continental Air Lines, Inc	19
Frontier Airlines, Inc	13
Lake Central Airlines, Inc	4
Mohawk Airlines, Inc	14
North Central Airlines, Inc	5
Northwest Airlines, Inc	212
Ozark Airlines, Inc	4
Piedmont Aviation, Inc	9
Scandinavian Airlines System	8
Southern Airways, Inc	12
Pacific Airlines, Inc. (Southwest Airways Company Series)	6
Trans-Texas Airways	8
West Coast Airlines, Inc	14
Western Air Lines, Inc	11

Installment Plan Tariffs

W. D. Barrington, Agent	33
W. D. Barrington, Agent	40
R. C. Lounsbury, Agent	243
R. C. Lounsbury, Agent	246
R. C. Lounsbury, Agent	269
R. C. Lounsbury, Agent	273
R. C. Lounsbury, Agent	311
R. C. Lounsbury, Agent	312
Alaska Airlines, Inc	61
Alitalia-Linee Aeree Italiano, S.P.A	4
American Airlines, Inc	77
Bonanza Air Lines, Inc	25
Braniff Airways, Inc	38
Braniff Airways, Inc	57
British Overseas Airways Corporation	21
British West Indian Airways, Limited	5
Canadian Pacific Air Lines, Limited	39
Capital Airlines, Inc	38
Compagnie Nationale Air France	31
Eastern Air Lines, Inc	69
Hawaiian Airlines, Limited	14
Japan Air Lines Co., Ltd	9
KLM Royal Dutch Air Lines	38
Northwest Airlines, Inc	86
Qantas Empire Airways, Limited	9
Scandinavian Airlines System	21
Société Anonyme Belge D'Exploitation De La Navigation Aerienne (SABENA)	10
Swissair Transport Company, Limited	20
Trans-Canada Air Lines	58
Trans Caribbean Airways, Inc	30
Trans World Airlines, Inc	27
Trans World Airlines, Inc	35
United Air Lines, Inc	81

Universal Air Travel Plan Tariffs

	C.A.B. No.
C. C. Squire, Agent (Agent J. B. Walker Series), Rule No. 1(E)	43
C. C. Squire, Agent (Agent M. F. Redfern Series), Rule No. 1(C)	9
R. C. Lounsbury, Rule No. 5(G)(2)	191
Alitalia-Linee Aeree Italiane S.P.A., Rule No. 5(G)(2)	6
American Airlines, Inc., Rule No. 5(G)(2)	70
Braniff Airways, Inc., Rule No. 5(G)(2)	32
British Overseas Airways Corporation, Rule No. 28	20
British West Indian Airways Limited, Rule No. 26	6
Canadian Pacific Air Lines, Limited, Rule No. 5(G)(2)	31
Eastern Air Lines, Inc., Rule No. 5(G)(2)	58
El Al Israel Airlines, Limited ("El Al" Israel Airlines, Limited Series), Rule No. 5(G)(2)	2
Northwest Airlines, Inc., Rule No. 5(G)(2)	81
Northwest Airlines, Inc., Rule No. 2(B)(1)	116
Pacific Northern Airlines, Inc., Rule No. 13	19
Qantas Empire Airways, Limited, Rule No. 5(G)(2)	6
Scandinavian Airlines System, Rule No. 5(G)(2)	12
Societe'-Anonyme Belge D'Exploitation De La Navigation Aerienne (SABENA), Rule No. 5(G)(2)	6
Swissair Transport Company, Limited, Rule No. 5(G)(2)	18
Trans-Canada Air Lines, Rule No. 5(G)(2)	38
Trans World Airlines, Inc., Rule No. 5(G)(2)	17

Ticket Stock and Ticketing Machine Tariffs

C. C. Squire, Agent (Agent J. B. Walker Series), Rule No. 22	43
R. C. Lounsbury, Agent, Rule No. 5(H)	191
Alaska Airlines, Inc., Rule No. H 6	21
American Airlines, Inc., Rule No. 5(G)(3)	70
Braniff Airways, Inc., Rule No. 5(G)(3)	32
Canadian Pacific Air Lines, Limited, Rule No. 5(I)	31
Eastern Air Lines, Inc., Rule No. 5(G)(3)	58
Trans World Airlines, Inc., Rule No. 3(G)	17

Hilton Carte Blanche and Diners Club Credit Card Tariffs

C. C. Squire, Agent (Agent J. B. Walker Series), Rules 1(F) and 1(G)	43

APPENDIX B

Air Carriers

Alaska Airlines, Inc.
Alaska Coastal Airlines.
Allegheny Airlines, Inc.
American Airlines, Inc.
Aloha Airlines.
Bonanza Air Lines, Inc.
Braniff Airways, Inc.
Capital Airlines, Inc.
Caribbean-Atlantic Airlines, Inc.
Central Airlines, Inc.
Chicago Helicopter Airways, Inc.
Continental Airlines, Inc.
Cordova Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
Ellis Air Lines.
Frontier Airlines, Inc.
Hawaiian Airlines, Limited.
Howard J. Mays.
Lake Central Airlines, Inc.

Los Angeles Airways, Inc.
Mackey Airlines, Inc.
Mohawk Airlines, Inc.
Munz Airways.
National Airlines, Inc.
New York Airways, Inc.
North Central Airlines, Inc.
Northeast Airlines, Inc.
Northern Consolidated Airlines, Inc.
Northwest Airlines, Inc.
Ozark Airlines, Inc.
Pacific Air Lines, Inc.
Pacific Northern Airlines, Inc.
Pan American-Grace Airways, Inc.
Pan American World Airways, Inc.
Piedmont Aviation, Inc.
Reeve Aleutian Airways, Inc.
Resort Airlines, Inc.
Samoan Airlines, Limited.
Southern Airways, Inc.
South Pacific Air Lines, Inc.
Trans Caribbean Airways, Inc.
Trans-Texas Airways.
Trans World Airlines, Inc.
United Air Lines, Inc.
West Coast Airlines, Inc.
Western Air Lines, Inc.
Wien Alaska Airlines, Inc.
Air Services, Inc.
All-American Airways, Inc.
American Flyers Airline Corp.
Arctic-Pacific, Inc.
Argonaut Airways Corporation.
Associated Air Transport, Inc.
Blatz Airlines, Inc.
California Air Charter, Inc.
Airline Transport Carriers, Inc. d/b/a California-Hawaiian Air Lines.
Capitol Airways, Inc.
Central Air Transport, Inc.
Coastal Cargo Co., Inc.
Air Cargo Express, Inc. d/b/a Columbia Airlines.
Conner Air Lines, Inc.
Continental Charters, Inc.
Currey Air Transport, Ltd.
Economy Airways, Inc.
General Airways, Inc.
Great Lakes Airlines, Inc.
Johnson Flying Service, Inc.
Los Angeles Air Service, Inc.
Paul Mantz Air Services.
Meteor Air Transport, Inc.
Miami Airline, Inc.
Modern Air Transport, Inc.
Monarch Air Service.
Overseas National Airways.
Quaker City Airways, Inc.
Regina Cargo Airlines, Inc.
Sourdough Air Transport.
Southern Air Transport.
Standard Airways.
Stewart Air Service.
Trans-Alaskan Airlines, Inc.
Transocean Air Lines.
S. S. W., Inc. d/b/a Universal Airlines.
U.S. Aircoach.
The Unit Export Company, Inc.
United States Overseas Airlines, Inc.
Aviation Corporation of Seattle d/b/a Westair Transport.
World Airways, Inc.
World Wide Airlines, Inc.

Foreign Air Carriers

Argentina

Aerolineas Argentinas FAMA.
Trans-Continental, S.A.

Australia

Qantas Empire Airways Limited.

Belgium

S.A. Belge d'Exploitation de la Navigation Aerienne (SABENA).

Brazil

Empresa de Transportes Aerovias Brasil, S.A. (Aerovias Brasil).
S.A. Empresa de Viacao Aerea Rio Grandense (VARIG).

Canada

Canadian Pacific Air Lines Ltd. (CPAL).
Pacific Western Airlines, Ltd.
Trans-Canada Air Lines (TCA)

Chile

Compania Nacional de Turismo Aereo "Cinta Limitada."
Linea Aerea Nacional de Chile.

Colombia

Aerovias Nacionales de Colombia, S.A. (AVIANCA).
Lloyd Aereo Colombiano.
Sociedad Aeronautica Medellin, S.A.

Costa Rica

Lineas Aereas Costarricenses, S.A. (LACSA).

Cuba

Aerovias "Q", S.A. (Aerovias "Q").
Compania Cubana de Aviacion, S.A. (Cubana).
Cuba Aeropostal, S.A.
Expreso Aereo Inter-Americano, S.A.

Dominican Republic

Compania Dominicana de Aviacion, C. por A. (CDA).

Ecuador

Compania Ecuatoriana de Aviacion.

El Salvador

TACA International Airlines, S.A. (TACA El Salvador).

France

Compagnie Nationale Air France (Air France).

Germany

Deutsche Lufthansa Aktiengesellschaft.

Guatemala

Empresa Guatemalteca de Aviacion.

Honduras

Transportes Aereos Nacionales, S.A. (TAN).

Iceland

Loftleidir H.F. (Icelandic Airlines Ltd.).

Ireland

Aerlinte Eireann Teoranta.

Israel

El Al Israel Airlines Limited (El Al).

Italy

Alitalia-Linee Aeree Italiane, S.P.A.

Japan

Japan Air Lines, Company, Ltd.

Mexico

Aeronaves de Mexico, S.A.
Guest Aerovias Mexico, S.A.
Compania Mexicana de Aviacion, S.A. (CMA).
Trans Mar de Cortes, S.A.

Netherlands

(KLM) Royal Dutch Airlines.

Nicaragua

Lineas Aereas de Nicaragua, S.A.

Panama

Aerovias Interamericanas de Panama, S.A.

Scandinavia

Scandinavian Airlines System (SAS).

Spain

Iberia, Lineas Aereas de Espana, S.A.

Switzerland

Swiss Air Transport Company, Limited (Swissair).

United Kingdom

British Overseas Airways Corporation (BOAC).
British West Indian Airways, Ltd. (BWIA).
Eagle Airways (Bermuda) Ltd.

Venezuela

Linea Aeropostal Venezolana (LAV).
Aerovias Venezolanas, S.A.
Rutas Aereas Nacionales, S.A.

[F.R. Doc. 59-8768; Filed, Oct. 16, 1959; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINISTRATORS

Amendent of Delegation of Authority With Respect to Slum Clearance and Urban Renewal Program, Demonstration Grant Program, and Urban Planning Grant Program

The delegation of authority with respect to the slum clearance and urban renewal program, demonstration and urban planning grant programs, effective as of December 23, 1954 (20 F.R. 428, Jan. 19, 1955), as amended (20 F.R. 4275, June 17, 1955; 21 F.R. 1468, March 7, 1956; 21 F.R. 3038, May 5, 1956; 21 F.R. 5385, July 18, 1956; 21 F.R. 5471, July 20, 1956; 22 F.R. 2887, April 24, 1957; 22 F.R. 4105, June 11, 1957; 23 F.R. 1202, Feb. 26, 1958; 23 F.R. 1611, March 6, 1958; 23 F.R. 4820, June 28, 1958; 23 F.R. 8413, Oct. 30, 1958; 23 F.R. 9078, Nov. 21, 1958; 23 F.R. 9399, Dec. 4, 1958; 24 F.R. 242, Jan. 9, 1959; 24 F.R. 5815, July 21, 1959), is hereby further amended in the following respects:

1. In paragraph 2, by deleting existing subparagraph (b) and relettering existing subparagraphs (c) and (d) as (b) and (c), respectively.

2. In subparagraph 5(n), by inserting before the period "and section 701 'Certificates of Project Completion and of Project Cost'".

Effective as of the 17th day of October 1959.

[SEAL] NORMAN P. MASON,
Housing and Home Finance Administrator.

[F.R. Doc. 59-8760; Filed, Oct. 16, 1959; 8:46 a.m.]

GARFIELD R. DRINNON

Designation as Acting Community Disposition Supervisor, Oak Ridge, Tennessee

Garfield R. Drinnon is hereby designated to act in the place and stead of the Community Disposition Supervisor, Oak Ridge, Tennessee, with the title of "Acting Community Disposition Supervisor" and with all the powers, rights,

and duties delegated or assigned to the Community Disposition Supervisor, in the event the Community Disposition Supervisor is unable to act by reason of his absence, illness, or other cause.

This designation supersedes the designation of Acting Community Disposition Supervisor, Oak Ridge, Tennessee, effective July 19, 1958 (23 F.R. 5530, July 19, 1958).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended, 12 U.S.C. 1701c)

Effective as of the 17th day of October 1959.

[SEAL] NORMAN P. MASON,
Housing and Home Finance Administrator.

[F.R. Doc. 59-8782; Filed, Oct. 16, 1959; 8:48 a.m.]

E. DARYL MABEE AND WILBUR Y. DENT

Designation as Acting Community Disposition Supervisor, Richland, Washington

The officers described by individual name in the list below are hereby designated to act in the place and stead of the Community Disposition Supervisor, Richland, Washington, with the title of "Acting Community Disposition Supervisor" and with all the powers, rights, and duties delegated or assigned to the Community Disposition Supervisor, in the event the Community Disposition Supervisor is unable to act by reason of his absence, illness, or other cause, provided that no officer designated in the list below shall serve in such acting capacity unless all those whose title or name precedes his in this designation are unable to act by reason of absence, illness, or other cause:

1. E. Daryl Mabee.
2. Wilbur Y. Dent.

This designation supersedes the designation of Acting Community Disposition Supervisor, Richland, Washington, effective as of August 2, 1957 (22 F.R. 6133, Aug. 2, 1957), as amended October 2, 1957 (22 F.R. 7817, Oct. 2, 1957).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended, 12 U.S.C. 1701c)

Effective as of the 17th day of October 1959.

[SEAL] NORMAN P. MASON,
Housing and Home Finance Administrator.

[F.R. Doc. 59-8783; Filed, Oct. 16, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11757; FCC 59M-1337]

DOUGLAS H. McDONALD

Order Continuing Hearing

In the matter of order directing Douglas H. McDonald, Trustee, permittee of Television Station WTVW, Channel 7, Evansville, Indiana, to show cause why authorization for Station WTVW, Evansville, Indiana, should not be modified to specify operation on Channel 31 in lieu of Channel 7; Docket No. 11757.

Due to a hearing in the United States District Court of the Southern District of Indiana, Evansville Division, commencing October 15, 1959, which requires the appearance of counsel for the respondent in the above-entitled proceeding: *It is ordered,* This 13th day of October 1959, that hearing herein, now scheduled to commence on October 14, 1959, through October 16, 1959, be, and the same is hereby, cancelled; and, it is further ordered, that hearing in this proceeding will resume on October 22, 1959, at 10:00 o'clock a.m. in the Commission's offices, Washington, D.C.

Released: October 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8773; Filed, Oct. 16, 1959; 8:47 a.m.]

[Docket Nos. 12736, 12737; FCC 59M-1336]

RICHARD B. GILBERT AND DAVID V. HARMAN

Order Continuing Hearing

In re applications of Richard B. Gilbert, Tempe, Arizona, Docket No. 12736, File No. BP-11887; David V. Harman, Tempe, Arizona, Docket No. 12737, File No. BP-12388; for construction permits.

Upon the Hearing Examiner's own motion, and with the consent of all other parties to this proceeding: *It is ordered,* This 13th day of October 1959, that hearing herein, which is presently scheduled for October 15, 1959, be, and the same is hereby, continued to October 16, 1959, at 9:00 o'clock a.m. in the offices of the Commission, Washington, D.C.

Released: October 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8774; Filed, Oct. 16, 1959; 8:47 a.m.]

[Docket No. 12695; FCC 59M-1345]

HESS-HAWKINS CO.

Order Continuing Hearing

In re application of Hess-Hawkins Company, East St. Louis, Illinois, Docket No. 12695, File No. BP-12193; for construction permit.

The Hearing Examiner having under consideration petition of Hess-Hawkins Company, filed on October 13, 1959, for continuance of hearing;

It appearing that counsel for all other participating parties have consented to immediate consideration and grant of the petitions;

It is ordered, This 13th day of October 1959, that the above petition is granted; and the hearing now scheduled for October 15, 1959 is continued until November 16, 1959, at 10:00 a.m.

Released: October 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8775; Filed, Oct. 16, 1959; 8:47 a.m.]

[Docket Nos. 13218, 13219; FCC 59-1038]

BILL S. LAHM AND TOMAH-MAUSTON BROADCASTING CO., INC. (WTMB)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Bill S. Lahm, Wisconsin Rapids, Wisconsin, requests 1220 kc, 500 w, Day, Docket No. 13218, File No. BP-12315; The Tomah-Mauston Broadcasting Company, Incorporated (WTMB), Tomah, Wisconsin, has 1390 kc, 500 w, Day, requests 1120 kc, 1 kw, Day, Docket No. 13219, File No. BP-13107; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of October 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, The Tomah-Mauston Broadcasting Company, Incorporated, is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that Bill S. Lahm is legally, technically and otherwise qualified but may not be financially qualified to construct and operate his proposed station; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated July 9, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that by amendment filed July 20, 1959, the application of Bill S. Lahm was amended to include an agreement to loan $25,000 to the ap-

plicant, the loan to be secured by a mortgage on the proposed station and equipment and by a mortgage on the residence and farm of Mrs. Verna Lahm, mother of the applicant, who is also said to have agreed to co-sign the note evidencing the loan, but that no statement under oath by Mrs. Lahm was submitted to indicate that she has agreed to co-sign her son's note and to permit the placing of a mortgage on her property; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Bill S. Lahm and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WTMB and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of The Tomah-Mauston Broadcasting company, Incorporated, would involve objectionable interference with the proposed operation of the Plains Broadcasting Corporation at Independence, Iowa (File No. BP-12033, Docket No. 12812), or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Bill S. Lahm would involve objectionable interference with Station WHVF, Wausau, Wisconsin, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether Bill S. Lahm is financially qualified to construct and operate his proposed station.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That Lakeland Broadcasting Corporation, licensee of Station WHVF, and Plains Broadcasting Corporation, permittee of facilities in Independence, Iowa, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8776; Filed, Oct. 16, 1959; 8:47 a.m.]

[Docket No. 12878; FCC 59M-1335]

PINE TREE TELECASTING CORP. (WPTT)

Order Continuing Hearing Conference

In re application of Pine Tree Telecasting Corporation (WPTT), Augusta, Maine, Docket No. 12878, File No. BMPCT-4662; for modification of construction permit.

The Hearing Examiner having under consideration a motion filed October 7, 1959, by the above-entitled applicant requesting that the date for the exchange of documents between the applicant and the parties respondent now scheduled for October 16, 1959, be extended to November 16, 1959, and that the further prehearing conference now scheduled for October 30, 1959, be continued to December 4, 1959; and

It appearing that the reason for the requested extension arises out of the fact that the applicant has not yet been able to supply the parties respondent with certain information which they need to prepare exchange documents; and

It further appearing that there are no objections to the granting of the motion for extension and that good cause for the requested extension having been shown;

It is ordered, This the 13th day of October 1959, that the motion for extension filed by the above-entitled applicant is granted and the date for the exchange of documents between the applicant and the parties respondent now scheduled for October 16, 1959, is extended to November 16, 1959, and the further prehearing conference now scheduled for October 30, 1959, is continued to December 4, 1959.

Released: October 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8778; Filed, Oct. 16, 1959; 8:47 a.m.]

[Docket No. 13186; FCC 59M-1342]

M & M BROADCASTING CO. (WLUK-TV)

Order Scheduling Prehearing Conference

In re application of M & M Broadcasting Company (WLUK-TV), Marinette, Wisconsin, Docket No. 13186, File No. BMPCT-5325, for modification of construction permit (Channel 11).

On the Examiner's own motion: *It is ordered,* This 13th day of October 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, in the offices of the Commission, Washington, D.C., at 2:00 o'clock p.m., on October 29, 1959.

Released: October 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8777; Filed, Oct. 16, 1959; 8:47 a.m.]

[Docket No. 12856; FCC 59-1052]

WSAZ, INC., AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Designating Matter for Hearing

In the matter of WSAZ, Incorporated, Complainant, and American Telephone and Telegraph Company, Defendant, Docket No. 12856.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of October 1959;

The Commission having under consideration:

(1) Complaint filed on April 24, 1959, by WSAZ, Incorporated, requesting damages and other relief;

(2) Answer to complaint filed on May 28, 1959, by American Telephone and Telegraph Company (AT&T);

It appearing that the complaint and answer raise certain issues which should be investigated by means of public hearing;

It is ordered, That pursuant to provisions of sections 201, 202, 203 and 206

through 209 of the Communications Act of 1934, as amended, a hearing on the issues raised by the pleadings shall be held at the Commission's offices in Washington, D.C., at a time to be hereafter specified.

It is further ordered, That, pursuant to the provisions of section 403 of the Communications Act of 1934, as amended, and without in any way limiting the scope of the proceedings it shall include inquiry into the following:

1. Whether any of the charges, classifications, regulations and practices contained in the applicable tariffs herein are unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

2. Whether the applicable tariff schedules herein will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person or class of persons to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

3. Whether any charges have been demanded, collected or received for the use of program transmission channels which are greater than the charges specified in the applicable tariff schedules in violation of section 203(c) of the Communications Act of 1934, as amended;

4. The amount of damages, if any, that the complainant may be entitled to as a result of the charges collected herein;

It is further ordered, That a copy of this order shall be served on the parties hereto.

Released: October 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8780; Filed, Oct. 16, 1959; 8:48 a.m.]

[Docket No. 13000 etc.; FCC 59M-1339]

WJIV, INC. (WJIV)

Order Scheduling Prehearing Conference

In re applications of WJIV, Inc. (WJIV), Savannah, Georgia, Docket No. 13000, File No. BP-11364; WORD, Inc. (WORD), Spartanburg, South Carolina, Docket No. 13002, File No. BP-12537; Richard F. Kamradt and Robert St. Tamblyn, d/b as KTM Broadcasting Company, North Charleston, South Carolina, Docket No. 13003, File No. BP-12579; for construction permits.

On the Examiner's own motion: It is ordered, This 13th day of October 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, in the offices of the Commission, Washington, D.C. at 2:00 o'clock p.m., on Thursday, October 22, 1959.

Released: October 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8779; Filed, Oct. 16, 1959; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-19649—G-19656]

SOCONY MOBIL OIL CO., INC., ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

OCTOBER 13, 1959.

In the matters of Socony Mobil Oil Company, Inc., Docket No. G-19649; Socony Mobil Oil Company, Inc., Docket No. G-19650; Anderson-Prichard Oil Corporation, Docket No. G-19651; Associated Oil & Gas Company, Docket No. G-19652; Coastal States Gas Producing Company, et al., Docket No. G-19653; Pan American Petroleum Corporation, Docket No. G-19654; Edwin L. Cox (Operator), et al., Docket No. G-19655; Nova Company, et al., Docket No. G-19656.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser	Notice of change dated	Date tendered	Effective date unless suspended [1]	Date suspended until [2]
G-19649	Socony Mobil Oil Co., Inc.	[3] 4 1	10	United Fuel Gas Co.	Sept. 15, 1959	Sept. 16, 1959	Nov. 1, 1959	Apr. 1, 1960
		[3] 5 2	9	do	do	do	do	Do.
		[6] 135	4	do	do	do	do	Do.
G-19650	do	[3] 7 42	10	Texas Eastern Transmission Corp.	do	do	do	Do.
		[3] 8 43	10	do	do	do	do	Do.
		[9] [10] 117	6	do	do	do	do	Do.
		[11] [12] 118	7	do	do	do	do	Do.
G-19651	Anderson-Prichard Oil Corp.	84	1	El Paso Natural Gas Co.	Sept. 14, 1959	Sept. 18, 1959	Oct. 25, 1959	Mar. 25, 1960
G-19652	Associated Oil & Gas Co.	3	5	Tennessee Gas Transmission Co.	Sept. 15, 1959	Sept. 16, 1959	Nov. 1, 1959	Apr. 1, 1960
G-19653	Coastal States Gas Producing Co., et al.	26	7	do	Sept. 16, 1959	do	Oct. 17, 1959	Mar. 17, 1960
G-19654	Pan American Petroleum Corp.	[14] 14	12	do	Sept. 11, 1959	Sept. 14, 1959	[13] Oct. 15, 1959	Mar. 15, 1960
G-19655	Edwin L. Cox (Operator), et al.	[15] 18	2	Natural Gas Pipeline Co. of America	do	Sept. 17, 1959	Oct. 18, 1959	Mar. 18, 1960
G-19656	Nova Co., et al.	1	4	Tennessee Gas Transmission Co.	Sept. 14, 1959	Sept. 16, 1959	Nov. 1, 1959	Apr. 1, 1960

[1] The stated effective dates are those requested by respondents or the first day after the expiration of statutory notice, whichever is later.
[2] And until such further time as each is made effective in the manner prescribed by the Natural Gas Act.
[3] Formerly Magnolia Petroleum Co.'s FPC Gas Rate Schedule.
[4] Rate in effect subject to refund in Docket No. G-16591 (Supp. No. 7) (also subject to orders in Docket Nos. G-15723, G-13437, and G-12193).
[5] Rate in effect subject to refund in Docket No. G-16691 (Supp. No. 6) (also subject to orders in Docket Nos. G-15723, G-13437, and G-12193).
[6] Formerly Magnolia Petroleum Co.'s FPC Gas Rate Schedule No. 141.
[7] Rate in effect subject to refund in Docket No. G-17438 (Supp. No. 9) (also subject to orders in Docket Nos. G-15879, G-13493, and G-12209).
[8] Rate in effect subject to refund in Docket No. G-17438 (Supp. No. 9) (also subject to orders in Docket Nos. G-15879, G-13676, and G-12210).
[9] Formerly Magnolia Petroleum Co.'s FPC Gas Rate Schedule No. 123.
[10] Rate in effect subject to refund in Docket No. G-16620 (Supp. No. 5).
[11] Formerly Magnolia Petroleum Co.'s FPC Gas Rate Schedule No. 124.
[12] Rate in effect subject to refund in Docket No. G-16620 (Supp. No. 6).
[13] Respondent requests waiver of notice to permit its increased rate to be effective January 1, 1959, the date it was due under the contract.
[14] Rate in effect subject to refund in Docket No. G-16514 (Supp. No. 9) (also subject to order in Docket No. G-15641).
[15] Rate in effect subject to refund in Docket No. G-16406 (Supp. No. 1).

In support of the proposed periodic rate increases, Socony Mobil Oil Company, Inc. (Socony Mobil) states that the contracts resulted from arm's-length negotiations in good faith and that it would not have committed the gas for such a long term without the schedule of periodic price adjustments. In addition, Socony Mobil states that the proposed prices do not exceed the current market price in the area and denial thereof would be confiscatory.

Anderson-Prichard Oil Corporation (Anderson-Prichard), in support of the proposed favored-nation rate increase, cites the contract favored-nation clause and states that the contract resulted from arm's-length negotiations, and that the increased rate is just and reasonable and is not greater than the price being paid for other gas in the area.

In support of the proposed redetermined rate increases, Associated Oil & Gas Company (Associated), Coastal States Gas Producing Company, et al. (Coastal) and Nova Company, et al. (Nova Company) cite the provisions and submit copies of Tennessee Gas Transmission Company's (Tennessee) price redetermination letters. Associated and Coatal also submit that the contracts were negotiated at arm's length and that the proposed increased rates are in line with other prices in the area. Associated also states that its increased rate is just and reasonable. Associated further points out that it does not benefit by the proposed increased rate since it buys the subject gas and gathers and sells it to Tennessee. Nova Company offers no additional support for its increase.

Pan American Petroleum Corporation (Pan American) proposes a redeter-

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

mined rate increase for gas sold to Tennessee Gas Transmission Company under a contract predating June 7, 1954. The proposed increase is in the nature of an amendment to a previous redetermined increase[2] which was based upon a letter dated August 7, 1958, wherein Tennessee notified Pan American that the redetermined rate effective November 1, 1958 would include reimbursement for the first Louisiana gathering tax in effect prior to August 1, 1958. With its instant change Pan American submits a letter agreement dated July 27, 1959 wherein the parties now agree to interpret the rate provided by the abovementioned letter of August 7, 1958 as being the base rate in addition to the reimbursement for the increased Louisiana severance tax effective December 1, 1958.

In support of the proposed periodic rate increase, Edwin L. Cox (Operator), et al. (Cox) cites the contract provisions and states that the increase was specifically scheduled and that the contract was negotiated at arm's length under competitive conditions which precludes seller from obtaining a schedule of prices higher than a just, fair and reasonable schedule.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, Supplement Nos. 10, 9, 10, 10, 6, 7 and 4 to Socony Mobil's FPC Gas Rate Schedule Nos. 1, 2, 42, 43, 117, 118 and 135, respectively; Supplement No. 5 to Associated's FPC Gas Rate Schedule No. 3 and Supplement No. 4 to Nova Company's FPC Gas Rate Schedule No. 1 are hereby suspended and the use thereof deferred until April 1, 1960; Supplement No. 1 to Anderson-Prichard's FPC Gas Rate Schedule No. 84 is hereby suspended and the use thereof deferred until March 25, 1960; Supplement No. 7 to Coastal's FPC Gas Rate Schedule No. 26 is hereby suspended and the use thereof deferred until March 17, 1960; Supplement No. 2 to Cox's FPC Gas Rate Schedule No. 18 is hereby suspended and the use thereof deferred until March 18, 1960; and Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 14 is hereby suspended and the use thereof deferred until March 15, 1960; each of the aforementioned supplements shall remain suspended until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby shall be changed until the respective proceeding has been disposed of or until the related period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-8756; Filed, Oct. 16, 1959; 8:45 a.m.]

[2] Supplement No. 9 to Pan American Petroleum Corporation's FPC Gas Rate Schedule No. 14.

[Project 2146]

ALABAMA POWER CO.

Notice of Application for Amendment of License

OCTOBER 13, 1959.

Public notice is hereby given that Alabama Power Company, of Birmingham, Alabama, has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for amendment of the license for water power Project No. 2146, located on the Coosa River in Chilton, Coosa and Elmore Counties, State of Alabama to permit redevelopment of the existing Mitchell and Jordan developments, presently under licenses issued as Project Nos. 82 and 618, respectively. The Jordan redevelopment, which would replace the proposed Wetumpka development, now a part of the license for Project No. 2146, and the Mitchell redevelopment would be included in Project No. 2146.

The Mitchell redevelopment would consist of: installing concrete buttresses, piers, and additional spillway gates on the existing dam; raising the power pool from elevation 312 feet to 317 feet; increasing the spillway capacity from 248,000 cfs to 550,000 cfs; and, constructing a powerhouse addition at the existing dam with installed capacity of 65,000 kw. The Jordan redevelopment would consist of: installing spillway gates in the open spillway section at the existing dam; raising the power pool from elevation 245 feet to 252 feet; increasing the spillway capacity from 310,000 cfs to 550,000 cfs; constructing a canal from the existing Jordan Lake to a forebay lake west of the existing Jordan Lake, the forebay lake to be formed by earth embankments; constructing a new powerhouse at the forebay lake with two 75,000 kilowatt units installed initially with provisions for a third similar unit; and constructing a navigation and tailrace canal to the Coosa River below Wetumpka.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date on which protests or petitions may be filed is November 14, 1959. The application is on file with the Commission for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-8754; Filed, Oct. 16, 1959; 8:45 a.m.]

[Docket No. G-16144 etc.]

BOSWELL-FRATES ET AL.

Notice of Severance

OCTOBER 12, 1959.

In the matters of Boswell-Frates et al., Docket No. G-16144, et al.; Schermerhorn Oil Corporation, Docket No. G-16746; Beach & Talbot, Operator, et al., Docket No. G-17414.

Notice is hereby given that in view of the Notices of Withdrawal of the Applications in Docket Nos. G-16746 and G-17414 filed by Schermerhorn Oil Corporation and Beach & Talbot, Operator, et al., on October 1, 1959 and October 5, 1959, respectively, said applications are severed from the above-entitled consolidated proceedings now scheduled for hearing on October 20, 1959, for such disposition as may hereinafter be determined appropriate by the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-8755; Filed, Oct. 16, 1959; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

A. P. MOLLER-MAERSK LINE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8412, between the carriers comprising the A. P. Moller-Maersk Line joint service and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from India, China, including Hong Kong, Japan, Philippine Islands, Formosa, Siam, Singapore, Saigon, Indonesia, and Ceylon to Puerto Rico, with transhipment at New York or Baltimore.

(2) Agreement No. 8413, between the carriers comprising the A. P. Moller-Maersk Line joint service and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from India, China, including Hong Kong, Japan, Philippine Islands, Formosa, Siam, Singapore, Saigon, Indonesia, and Ceylon to the Virgin Islands, with transhipment at New York or Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 14, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-8767; Filed, Oct. 16, 1959; 8:46 a.m.]

Office of the Secretary

JOHN H. CLEMSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of September 1, 1959.

JOHN H. CLEMSON.

OCTOBER 9, 1959.

[F.R. Doc. 59-8769; Filed, Oct. 16, 1959; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Allen Garment Co., Franklin, Ky.; effective 10-12-59 to 10-11-60 (men's and boys' sport shirts).

Blue Bell, Inc., Comer, Ga.; effective 10-11-59 to 10-10-60 (patch pocket dungarees).

Blue Bell, Inc., Nos. 1 and 2 Plants, Commerce, Ga.; effective 10-11-59 to 10-10-60 (blanket lined coats; western, cossack and outerwear jackets).

Blue Bell, Inc., Itawamba County, Fulton, Miss.; effective 10-14-59 to 10-13-60 (men's and boys' work and casual pants).

Blue Bell, Inc., Tippah County, Ripley, Miss.; effective 10-1-59 to 9-30-60 (work shirts, sport jackets).

Carl-Lee Trouser Co., Inc., Brilliant, Ala.; effective 10-1-59 to 9-30-60 (men's and boys' dress slacks).

Cluett, Peabody and Co., Inc., 2022 Murphy Avenue SW., Atlanta, Ga.; effective 10-1-59 to 9-30-60 (men's shirts).

Davan Manufacturing Co., Railroad Avenue, Allendale, S.C.; effective 9-28-59 to 9-27-60 (ladies' robes).

Ely & Walker, Inc., Division of Burlington Industries, Inc., Yazoo City, Miss.; effective 10-3-59 to 10-2-60; workers engaged in the production of men's, women's and boys' pajamas.

Glaser Brothers, Inc., Elden, Mo.; effective 10-15-59 to 10-14-60 (men's dress and sport slacks).

Higginsville Garment Co., Inc., Higginsville, Mo.; effective 10-1-59 to 9-30-60 (women's uniforms).

Lebanon Garment Co., East Market Street, Lebanon, Tenn.; effective 10-15-59 to 10-14-60 (men's and boys' trousers).

The Morehead Co., 800 West Main Street, Morehead, Ky.; effective 10-1-59 to 9-30-60 (men's and boys' dungarees).

N & W Industries, Inc., Lynchburg, Va.; effective 10-1-59 to 9-30-60 (men's and boys' pants, overalls, shirts, dungarees).

Newport News Children's Dress Co., 824 39th Street, Newport News, Va.; effective 10-5-59 to 10-4-60 (children's and girls' dresses).

The Owenby Manufacturing Co., Marietta, Ga.; effective 10-5-59 to 10-4-60 (children's knitted undershorts, outerwear, poplin jackets, etc.).

Henry I. Siegel Co., Inc., South Fulton, Tenn.; effective 10-5-59 to 10-4-60 (men's and boys' single pants).

Standard Romper Co., Inc., Verney Building, Brunswick, Maine; effective 10-4-59 to 10-3-60 (children's pants of woven goods).

Standard Romper Co., Inc., R. 335 Forest Avenue, Portland, Maine; effective 10-4-59 to 10-3-60 (children's shirts).

A. Stein and Company, 606 North Vermillion Street, Streator, Ill.; effective 9-28-59 to 9-27-60 (women's brassieres and girdles).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn.; effective 10-1-59 to 9-30-60 (ladies' and girls' jeans, men's and boys' dungarees).

Wilgree Manufacturing Co., Inc., North Harney Street, Camilla, Ga.; effective 10-10-59 to 10-9-60 (men's sport and dress shirts).

Williamson-Dickie Manufacturing Co., Weslaco, Texas; effective 10-1-59 to 9-30-60 (men's and boys' cotton casual pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Candace Fashions, Frankston, Texas; effective 10-1-59 to 9-30-60; 10 learners (children's and infants' sleepwear, children's panties).

Gaye Manufacturing Co., Inc., Ashland, Ala.; effective 10-2-59 to 10-1-60; 10 learners (infants' diaper sets, crawlers, coveralls).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blount Manufacturing Co., Blountsville, Ala.; effective 9-30-59 to 3-29-60; 15 learners (children's pants, boxer longies, boxer shorts, jackets).

M. T. Company, Spartanburg Highway, Hendersonville, N.C.; effective 10-5-59 to 4-4-60; 20 learners (missy and children's playclothes).

Pella Manufacturing Corp., 707 East Third Street, Pella, Iowa; effective 10-6-59 to 4-5-60; 10 learners (work shirts, overalls, dungarees and coveralls).

K. W. Pollock dba Tompkinsville Garment Co., Tompkinsville, Ky.; effective 10-13-59 to 4-12-60; 15 learners (men's trousers, dungarees).

Waycross Sportswear, Inc., 801 Francis Street, Waycross, Ga.; effective 9-30-59 to 3-29-60; 50 learners (men's and boys' cotton woven jackets and outerwear).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Wells Lamont Corp., McGehee, Ark.; effective 10-5-59 to 10-4-60; 10 learners for normal labor turnover purposes (leather work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

The following learner certificates were issued authorizing the employment of five percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Halifax County Hosiery Mills, Inc., Scotland Neck, N.C.; effective 9-30-59 to 9-29-60 (seamless).

Huffman Finishing Co., Granite Falls, N.C.; effective 10-7-59 to 10-6-60 (seamless).

Waldensian Hosiery Mills, Inc., Ladies' Seamless Plant, Lenoir, N.C.; effective 10-3-59 to 10-2-60 (seamless).

Waldensian Hosiery Mills, Inc., Finishing Plant, Valdese, N.C.; effective 10-1-59 to 9-30-60 (seamless).

Waldensian Hosiery Mills, Inc., Pauline Plant, Valdese, N.C.; effective 10-1-59 to 9-30-60 (seamless).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Auburn Dyeing & Finishing Co., Auburn, Ky.; effective 10-4-59 to 10-3-60; five learners (full-fashioned).

Bedford Hosiery Mills, Shelbyville, Tenn.; effective 10-1-59 to 9-30-60; five learners (seamless).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Huffman Finishing Co., Granite Falls, N.C.; effective 10-7-59 to 4-6-60; 20 learners (seamless).

Kosciusko Hosiery Mills, Kosciusko, Miss.; effective 10-1-59 to 3-31-60; 20 learners (seamless).

Newland Knitting Mills, Newland, N.C.; effective 10–10–59 to 4–9–60; 40 learners (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

The B.V.D. Company, Inc., Piqua, Ohio; effective 10–1–59 to 9–30–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (athletic & tee shirts, brevs).

Carolina Underwear Co., Inc., Rayon Dept., 110 West Guilford Street, Thomasville, N.C.; effective 10–5–59 to 4–4–60; 10 learners for plant expansion purposes (children's and ladies' panties).

Ely & Walker Co., Division of Burlington Industries, Inc., Yazoo City, Miss.; effective 10–3–59 to 10–2–60; five learners for normal labor turnover purposes engaged in the production of men's and boys' woven shorts only.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

General Electric Switchgear, Inc., Palmer, P.R.; effective 9–16–59 to 3–15–60; 30 learners for plant expansion purposes in the occupations of: (1) punch press operators, screw machine operators, milling machine operators, welders, female assembler Cl. 3, male assembler Cl. 3, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours; (2) drill press operators, miscellaneous machine operators, machine set-up man, female assembler Cl. 2, each for a learning period of 240 hours at the rate of 80 cents an hour (electrical products).

Overseas Sports Co., Inc., Mayaguez, P.R.; effective 8–24–59 to 8–23–60; 14 learners for normal labor turnover purposes in the occupations of: (1) handsewing of baseballs and softballs for a learning period of 320 hours at the rates of 47 cents an hour for the first 160 hours and 55 cents an hour for the remaining 160 hours; (2) winding, moulding each for a learning period of 160 hours at the rate of 47 cents an hour (replacement certificate) (baseballs and softballs).

Sabana Grande Embroidery Co., Inc., Sabana Grande, P.R.; effective 9–17–59 to 3–16–60; 40 learners for plant expansion purposes in the occupations of: (1) machine embroidery operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (machine embroidery on silk underwear—slips, half-slips, panties).

Transducer Corp., Luquillo, P.R.; effective 9–17–59 to 9–16–60; 4 learners for normal labor turnover purposes in the occupation of assembly of magnetic head and testing for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (magnetic multi-channel heads and erase heads).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 7th day of October 1959.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 59–8758; Filed, Oct. 16, 1959; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—OCTOBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during October. Proposed rules, as opposed to final actions, are identified as such.